

LIFE AND TIMES OF  
GEN: JOHN A. SUTTER,  

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SCHOONOVER.



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T. J. Schaeffer

THE  
LIFE AND TIMES  
OF  
GEN'L JOHN A. SUTTER  
  
BY  
T. J. SCHOONOVER.

*ILLUSTRATED POCKET EDITION.*



SACRAMENTO :  
D. JOHNSTON & Co., PRINTERS.

1895.

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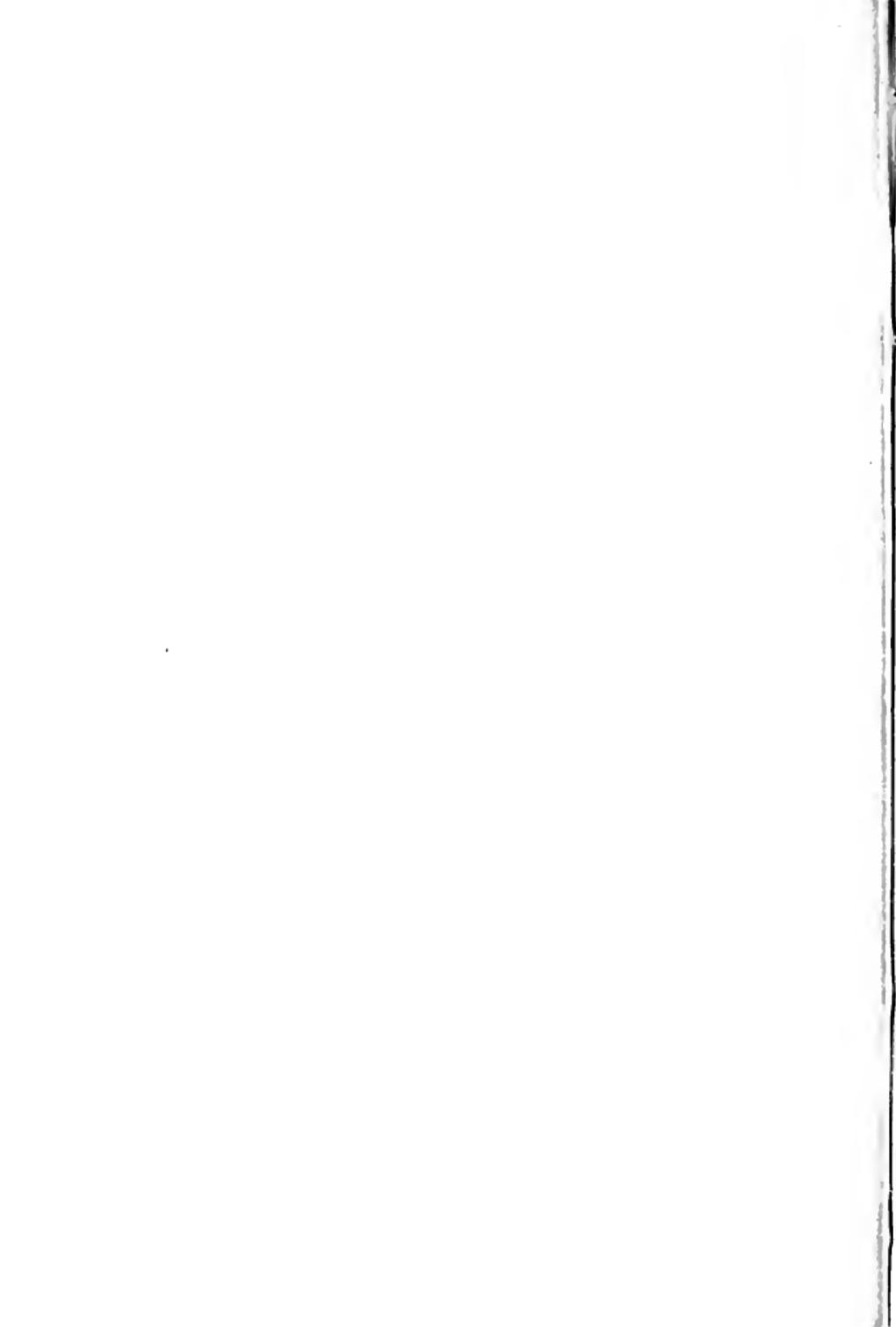
## PREFACE.

This unassuming volume is not a garland of rhetorical flowers, nor is it an offering from Fancy's rich domain. It is a faithful, yet modest presentation of facts pertaining to him whose memory the author desires to perpetuate.

As a narrative, it may be void of system, barren in elegance and wanting in attraction. The object in offering it to the public is to supply a long-felt want. The author entertains a hope that his motive may incline the charitable reader to deal kindly with him and palliate his errors.

For assistance, in collecting material for this work, Judge J. H. McKune, C. K. McClatchy, Esq., and Hon. W. J. Davis are remembered with gratitude.

T. J. SCHOONOVER.



TO THE SOCIETY OF THE  
NATIVE SONS OF THE GOLDEN WEST  
THIS WORK IS  
RESPECTFULLY DEDICATED  
BY THE AUTHOR.



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## THE LIFE AND TIMES OF GEN. JOHN A. SUTTER.

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### GENERAL JOHN AUGUSTUS SUTTER.

Was born of Swiss parentage in Kandern, in the Grand Dutchy of Baden, on the 28th day of February, in the year 1803. As he was born at midnight, the last day of February and the first day of March divide the honor of issuing into active life him whose name is an honor to his native land; and which, with that of Tell, will live on down through centuries to come.

After having received a common school education, he was placed in a military college at Berne, where he was graduated in the year 1823. After having taken his degree, he entered the French service as an officer of the Swiss Guard, and was in the Spanish campaign of 1823-4, where he distinguished himself for his bravery; for his generous, frank and confiding nature, and for the faithful and conscientious discharge of his duties as a soldier and his responsibility as an officer. He continued in the French service 'till 1834.

His parents were classed with families of respectability and local distinction; possessing ample means to introduce them into circles of social and intellectual refinement. Being possessed of an enterprising spirit and a keen relish for romance and pioneer adventures, Captain Sutter, as he was then called, early in his life conceived the idea of founding a Swiss colony somewhere in North America. To this end he made available such means as he possessed, bade adieu to friends and fatherland and sailed for New York, where he arrived about the middle of July, in the year 1834. Thence he pushed on to what at that time was called the "far west," his objective point being Saint Charles, Missouri, where he arrived in due time. He proceeded to explore the vast region lying west of the Mississippi, where he intended to acquire possession of a large tract of land and pave the way for a settlement of his own countrymen. This scheme he was soon forced to abandon. The vessel containing his means was wrecked in the Mississippi river, by which occurrence he sustained a total loss of all his possessions. Severe as the loss was, his spirits remained good and

his ardor unabated. He then made an exploring trip to Santa Fe, where he ventured in some speculations with trappers—whites and Indians—with whom he carried on an extensive and profitable fur trade. At this place he received a description of California. He left Missouri on the 11th day of April, 1838, and traveled with the American Fur Company, under command of Captain Tripp, to their rendezvous on the Wind river, in the Rocky mountains. Thence, in company with six men, he set out on horseback across the mountains and over the long stretch of unbroken solitude lying between him and the fur-trading posts on the northwestern frontier of the Oregon territory. In due time he reached the Dalles, on the Columbia river, from which place he went to Fort Vancouver, whence he soon took passage on a trading vessel bound for the Sandwich Islands, where he remained five months. At this place he shipped as supercargo on an English vessel bound for Sitka. After remaining in Sitka one month, he sailed down the coast, encountering heavy gales, and entered San Francisco bay in distress on the 2d day of July, 1839. Being ordered by the provincial



*Gen. John A. Sutter.*

officer to leave that port, as it was not a port of entry, without delay, he sailed for Monterey and obtained from Governor Alvarado a passport, with full permission to travel through California with his men, and a promise of a grant of any unappropriated land he might desire to occupy. He returned to San Francisco and began to explore the Sacramento river. San Francisco, at this time, contained about 40 inhabitants, not one of whom possessed any knowledge whatever of the Sacramento river. One man had understood that a large river emptied into the bay from the northeast. Opposed by tide and wind and fog he was eight days in finding the mouth of the river.

On the river bank, ten miles below where the city of Sacramento now stands, 500 painted warriors assembled to dispute his passage up the stream. A chief and one or two others being able to speak quite good Spanish, Sutter informed them that his mission was peaceful; that they were not Spaniards, and that they (his party) and the Indians would endeavor to maintain friendly relations. He gave them some beads, which was like pouring oil on angry waters. Two of the

Indians who spoke Spanish, engaged to pilot him up the river, which he explored as far as the mouth of the Feather river. Here he dropped anchor, and proceeded some distance up the Feather in a small boat. On returning, he found the crew in incipient mutiny, protesting against penetrating further into a country where the indications promised great hardships and peril, if not their utter extermination. Whether Sutter had a desire to explore still further up the stream, we are unable to learn. But he weighed anchor on the following morning and dropped down to the mouth of the American river, on the left bank of which he discharged his goods on the 12th day of August, 1839.

Remote from the hum of enterprises and from the bustle and din of civilization, on the tide waters of the Sacramento, with fifteen men, eight of whom were Kanakas, given him by the King of the Sandwich Islands, he pitched his tent, planted his cannon, established sentinels and laid the foundation for a settlement which, for the beneficial and lasting consequences it has entailed on our country, and on the world, is peerless in the republic of colonies.

Captain Sutter now found himself legally established in a country unsurpassed in natural resources, extending its boundaries over every variety of soil and climate, and everywhere canopied by the softest and sweetest tints of azure.

The Indians at this time and place were numerous, hostile and treacherous, and to guard against these barbarous ills, a trusty sentinel was ever kept on duty at night. Any deviation from this vigilance would have been fatal to the colony. In after years, when Sutter's strength was acknowledged and his dominion well established, an Indian chief told him that, had it not been for his "big gun" (cannon), his tribe, long before, would have scalped every man in the colony and plundered the settlement of all its treasure.

A large bull-dog owned and kept by Sutter saved his master's life on two occasions. The instances being similar, I will relate but one:

On a dark night, when balmy sleep was holding the pioneer in its soft embrace, a stalwart Indian, induced by some occult incentive, softly and stealthily entered, with tomahawk in hand,

the tent where the hero lay. Brave, the dog, had a couch near his master's feet. True to canine instinct, he "snuffed the game," and, seeing his master's perilous situation, displayed his fidelity by springing upon the murderous assailant with a courage that knew no bounds. His eyes blazed like diamonds as he drove his ivory clamps to the Indian's throttle.

By virtue of a contract duly entered into between Sutter and the Russian government, the latter was bound to furnish him annually with good iron and steel and files, to be used in his shops, and beads for the Indians, and many other things, including one hundred pounds of coarse cannon powder and one hundred pounds of fine rifle powder. To these supplies he attached great importance and guarded them with miserly care. Especially did he look upon his ammunition as his "thus sayeth the Lord."

In October, 1839, he brought to his ranch about 500 head of cattle, 50 horses, and a monada of 25 mares, which he had previously purchased of Señor Martinez. In the autumn of 1840, he purchased of Don Antonio Sunol 1,000 head of cattle, and as many horses of Don

Joaquin Gomez and others. In the same autumn he built an adobe house where the fort now stands, covering it with tules (bull rushes), which turned sunshine better than it did rain. In the same year the Kanakas, assisted by the friendly Indians in Sutter's employ, built three grass houses, fashioned after those in the Sandwich Islands.

In 1840 the Indians were very troublesome, killing cattle and stealing and driving off horses. By an occasional exhibition of his prowess in the field, Sutter sought to inculcate in them a higher conception of right and wrong. A little wholesome and well-timed authority reduced the desperadoes to an improved system of behavior.

The colony obtained its supplies from San Francisco. The trip to that place must be made by Indians and Kanakas, and in an open boat. Sometimes the wind blew adversely, and again a dead calm prevailed for many days. In the latter case, they turned to the god of muscle and invoked a white-ash breeze.

In his journal Sutter says: "It is a wonder we got not swamped a many time, all time with an Indian crew and a Kanaka at the helm."

In 1841 Sutter received from Governor Alvarado a grant of eleven square leagues of land, entitled New Helvetia, and an appointment to the military command of the Northern District of California. He was also appointed alcalde of the same district.

#### LETTER FROM SUTTER TO ALVARADO.

The following is copied verbatim from a letter written by Captain Sutter to Governor Alvarado:

"A su excellencia Senior Don Juan Baptista Alvarado, Gobernador constitucional de las das Californias, en Monterey.—Excellent Sir! Allow me to write you in English, because I like not to make mistakes in an expression. I have the honor to send you with this an act of a committed crime on this place; please give me your orders what I have to do with the Delinquent which is kept as a Prisoner here. Delinquent Henry Bee was put in Irons, but his friends bound themselves for 1000 Dollars Security, when I would take the irons from him, in which their wishes I consented.

"John Wilson, Black Jack, is well known, as at

life he was a bad character, which may be something in Bee's favour. Waiting for your Orders, I shall keep the Delinquent in Prison.

"The Trapping party from the Columbia River will be here in about 8 Days under command of Mr. Ermatinger. I am also waiting for one of my friends, a German Gentleman, with the same party. I believe he travels for his pleasure.

"A strong body of American farmers are coming here, a young Man of the party got lost since 10 Days, nearly starved to death and on foot; he don't know which Direction the party took. I believe the will come about the Direction of the Pueblo. I was also informed that another company is coming stronger than this under Mr. Fanum [Farnum].

"Some very curious Rapports come to me, which made me first a little afraid but after two hours I get over the fit.

"I remain, Excellent Sir!

"Very Respectfully,

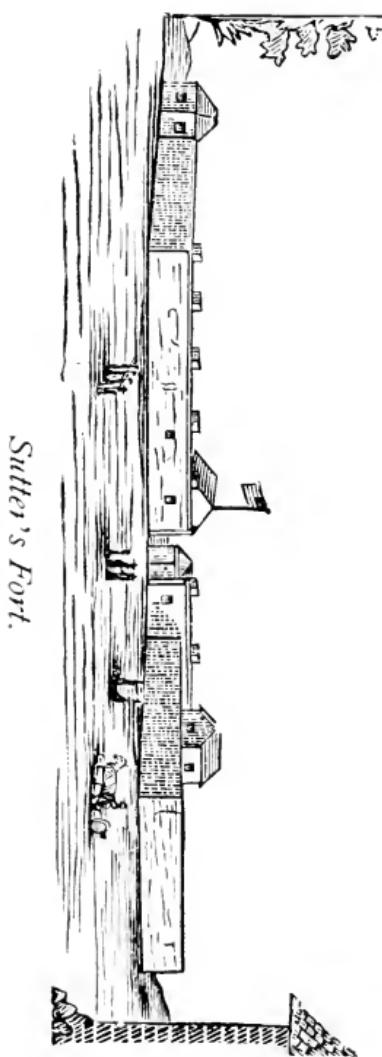
"J. A. SUTTER.

"Neuva Helvetia, November 4 de 1841.

"P. S.—in a short time I shall have a secretary who is able to write Spanish."

## SUTTER'S FORT.

In the summer of 1841, Sutter began to build his fort. It was an adobe structure, the brick being made by Kanakas and Indians; the latter, having become friendly and serviceable to the colony, were kept constantly in Sutter's employ. Sutter, himself, worked very hard building the fort, not only in superintending the entire plant, but in directing all of the operations and, with his own hands, making and laying brick. This fort, so justly famed as a landmark of pioneer adventure, industry and enterprise, was built, ostensibly, for the purpose of protecting the colony from the incursions of wild, warlike and treacherous Indians; but to protect the settlement from the violence of the more cowardly, and not less treacherous Spaniards, was an incentive to all others paramount. Great as the undertaking must have been, in the absence of energetic and skilled laborers and appliances suited to the advancement of a great work, the



*Sutter's Fort.*

outer wall was pushed to a completion in the autumn after its commencement.

The fort was so grand and commodious that the entire settlement could, and did, sleep, cook and dine within its walls; and with a faithful sentinel on duty at the gate, a feeling of security enhanced the pleasures of this far away home. The work-shops, tools, store-houses and supplies were also kept within the walls.

Sutter, naturally enough, reposed greater confidence in the virtue of the massive battlements and the intrepid and iron-throated debaters on whose fidelity he could safely rely, and which were ready, on a moment's warning, to thunder through the embrasure, an avalanche of convincing argument, than he did in the good faith and sincerity of those upon whom he had been taught by experience to look with distrust, and whose real aim was a problem which defied solution.

In imagination, we can enjoy with the little colony the pleasure a feeling of safety was calculated to inspire. It was a luxury that extracted the bitter from toil and the sting from human existence.

In 1846 Sutter was offered by California, through General Castro, \$100,000 for his fort, which had been completed in 1844.

The following is an extract from the narrative of Captain John C. Fremont, who visited the fort in 1844:

"The fort is a quadrangular adobe structure, mounting 12 pieces of artillery (two of them brass), and capable of admitting a garrison of a thousand men; this, at present, consists of 40 Indians, in uniform—one of whom is always found on duty at the gate. As might naturally be expected, the pieces are not in very good order. The whites in the employ of Capt. Sutter, American, French and German, amount, perhaps to 30 men. The inner wall is formed into buildings comprising the common quarters, with blacksmith and other workshops; the dwelling house, with a large distillery house, and other buildings occupying more the center of the area.

"It is built upon a pond-like stream, at times a running creek communicating with the Rio de los Americanos, which enters the Sacramento about two miles below. The latter is here a

noble river, about three hundred yards broad, deep and tranquil, with several fathoms of water in the channel and its banks continuously timbered. There were two vessels belonging to Captain Sutter at anchor near the landing—one a large, two-masted lighter, and the other a schooner, which was shortly to proceed on a voyage to Fort Vancouver for a cargo of goods."

#### DESPERATE FIGHT WITH INDIANS.

In the summer of 1840 several hundred painted warriors, armed with guns, bows and spears collected on the banks of the Cosumnes river, twenty miles away, for the avowed purpose of attacking the settlement.

Captain Sutter left a small garrison at home with cannons and other arms all loaded, and with eight brave men (and brave they must have been), two of whom were expert vaqueras, went to attack them. This, the reader will bear in mind, was before the fort was built.

The unsuspecting warriors imprudently encamped, the night before the battle, without set-

ting sentinels, and at daybreak were surprised in their camp. The enemy being thrown into disorder and confusion fought at a disadvantage, and, after a hard fight, in which they lost severely, a settlement was adjusted to the entire satisfaction of Sutter. By virtue of a treaty with these warriors they became his friends and allies, enabling him to conquer nearly all of the San Joaquin and Sacramento valleys.

#### WHITE HORSE AND PICKET.

Some time in October or November, 1848, a resident of the fort, who was an emigrant from Oregon, and who went by the name of the "White Horse," undertook to fence in an open space in the fort. C. E. Picket, Esq., also a resident at the fort, and since a well-known character in the State, claimed the open space, and taking the law in his own hands knocked the fence down. "White Horse" started to rebuild his fence, and Picket interfered; an altercation occurred, and Picket shot and killed his antagonist.

There were then 200 white men at the fort, one of whom (William Tanner), was acting as sheriff by appointment of Captain Sutter. He took Picket in charge, detaining him as prisoner. Picket refused to submit, but Tanner was a man of great strength and courage, and well fitted for his office. He disarmed his prisoner and forced him to submit. It was then and there determined that Picket should be tried for murder. A court was instituted, with Sam Brannan on the bench. A jury of eight was impanelled to try the case. The trial came off the same day of the homicide, and Picket pleaded his own case. Brannan in his charge to the jury instructed it that they lived in a country where there were laws, and that the laws should be obeyed. But that if their verdict was imprisonment there was no prison in the place where the culprit could be kept. The jury, after being out six hours, agreed upon a verdict of not guilty.

## THE WEB FOOT.

In the beginning of the year '46 there resided at the fort a good-natured, unsuspecting fellow—a native of Pike county, Missouri, and who went by the name of "Bob." He had heard many favorable reports of the Willamette valley, Oregon, and had partially arranged matters to go there and make himself a home.

Isaac Spiker, a jolly man who relished a joke hugely, and who had lived in Oregon, but was at this time sojourning at the fort, said to the Pike countyan: "Bob, you'll not get me to go to Oregon and live with them web-feet, no how. I've tried it wonst, an' I say Bob, you'd better take some of my advice while it's goin', and let well enough alone"

"I say Spiker," said Bob, "Why do they call them thare as lives in Oregon web-feet?"

Spiker, when a boy, scalded one of his feet so seriously that when the sore healed his toes consolidated. Now was offered a rare opportunity. "Bob," I say, "after a man lives in Oregon a

while his toes grow together from foot to nail, and that is why he is called a web-foot."

"Spiker," said Bob, "I don't believe that yarn, no how;" whereupon Spiker drew off one of his boots and exhibited a genuine webbed foot, and no mistake about it. "Bob," looking greatly surprised, exclaimed, "By ——, I'll never go to that —— country."

#### MAJOR RINGGOLD.

In 1841 Captain Sutter was visited at the fort by Major Ringgold, seven officers, and fifty men of Commodore Wilkes' exploring squadron, then lying in San Francisco bay. Professor J. D. Dana was also a member of the visiting party. Captain Sutter, with consummate courtesy, dispatched a servant with saddled horses for the officers and a secretary to invite the company to the fort. The beauty of this courteous act will appear more fully when it is remembered that had a band of Spanish cattle been grazing along the line of travel from the embarcadero to the

fort the party, unprotected and on foot, would have imperiled their lives in the transit, for one of those steers or heifers, especially the latter, on the plain was little less formidable than a grizzly.

Wilkes subsequently became famous through the Trent affair, which resulted in the arrest and discharge of Sirs Mason and Slidell of the Confederate States during the civil war, and putting at rest the troublesome question involving the "right of search."

This exploring party was in the service of the United States, and its mission here was to extend a knowledge of the geography and the geology of the Pacific coast.

## BODEGA AND FORT ROSS.

In 1812 the government of California, under Spanish rule, granted the Russian Fur Company the privilege of erecting huts or buildings and establishing settlements at Bodega and Ross; the former place lying about fifty miles north of San Francisco and the latter twenty-five miles further up the coast.

These settlements were made for the purpose of salting the beef and caring for the hides and tallow of wild cattle and of their own cattle as well, and of raising grain and vegetables for other Russian settlements too high in latitude for agricultural pursuits.

The permission granted by Mexico to settle at these points was never reduced to the dignity and virtue of a written instrument. However, the settlements flourished and presented a formidable appearance; quite too much so to be entirely agreeable to the Californians. Orchards were planted; ranches were improved, and corn, turnips, cabbage, potatoes, wheat and barley

were grown and habitations were erected. The lumber used in these settlements was shipped from Norway, there being no saw-mill on the Pacific Coast of North America. The upper settlement grew to a population of 300, in which were embraced Muscovites, Kodiacs, Kodiak and Russian half breeds and California Indians.

To Spain and Mexico the growth and prosperity of these settlements were fruitful sources of jealousy and unrest. The Mexican government remonstrated against the steady encroachments of their neighbors. This remonstrance was wholly disregarded by the Russians. General Vallejo in the meantime advanced upon the settlement with a force of armed men, but, deeming his strength insufficient to reduce the place, retired without further demonstrations of hostility.

Spain then made a formal demand, which proved to be quite as inoperative as the remonstrance of Mexico had been. They defied all authority and continued to "hold the fort" until 1841, carrying on a large and profitable trade; when, having stripped the shore of sea otter and other fur-bearing animals, and being threatened

by Indians, Californians and Mexicans, they sold out and withdrew from the country.

In the autumn of 1841 Alexander Rotchoff, the governor of Bodega and Fort Ross, visited Sutter and offered to sell him the possessions under discussion. In the purchase of this property there were but two competitors, Jacob P. Leese and Captain Sutter. The former offered \$25,000 and the latter made the purchase for \$30,000 and was dined and wined by the Russian governor.

Embraced in this purchase were 2,000 cattle, 1,000 horses, 50 mules, 250 sheep, a herd of swine, several pieces of ordnance, one four-pound brass field piece and some smaller arms, farming and mechanical implements and a schooner of 180 tons burden and a barrel of flints, thrown away by Napoleon in his retreat from Moscow.

Sutter dispatched some men and a clerk to receive the property and bring the live-stock to New Helvetia. Some of this stock was lost in transit; one hundred head of cattle alone were drowned in crossing the Sacramento river. The

most of the hides were saved, which Sutter afterward observed "were our bank notes."

A young man in Sutter's employ, by the name of Bidwell, was sent to Bodega, where he remained about a year, in charge of the property not yet removed.

One of the pieces of artillery included in the Russian purchase has a history written by Judge J. H. McKune and published in *Themis*—(a very ably edited paper of the past) dated October 5, 1889, which, as it is quite interesting, I give in full:

"It was cast at a foundry of the Russian government at St. Petersburg in 1804. It is 40 inches long,  $3\frac{1}{2}$  inch bore; cast with two handles that two men can handle or carry it.

"This gun was presented by the Czar to the Russian American Company, and by that company to Captain Sutter, in December, 1841.

"It was one of the first guns mounted in the southeast bastion of Sutter's fort, and was used by Captain Sutter in firing a salute to the American flag hoisted over his fort at sunrise, July 4, 1846. It was taken from the fort, placed in the hands of Commodore Stockton, used by him as

a field piece by his command in his advance from San Pedro to Los Angeles; did good service in the battle of San Pasqual, December 8, 1846, and again at Los Angeles, January 8 and 9, 1847.

"The gun was then transferred to Colonel Mason's command, First United States Dragoons, and was by him returned to Captain Sutter after the treaty of Guadaloupe Hidalgo, and Captain Sutter presented it to the California Pioneers, at San Francisco, in the archives of which society it still remains.

"The gun has a chamber running to a point at the vent, and takes, for a charge, eight ounces of powder."

## CAPTAIN JOHN C. FREMONT.

On the 6th day of March, 1843, Captain John C. Fremont, in command of an exploring expedition sent out by the government of the United States, reached Sutter's Fort in a distressed condition. He left Fort Vancouver, on the Columbia river, in November on his return to the United States. When crossing the mountains lying between Oregon and Sutter's Fort, he encountered heavy storms and deep snows, where he and his men suffered untold hardships. Their beasts of burden perished, and the starving men wandered on with the grim prospect of death before them, till reason—in some instances—was driven from her empire. Fremont, being a strong, active and resolute man, and possessing great power of endurance, left his command and pressed on to Sutter's fort for relief.

Sutter, on being apprised of the distressed condition of these men, dispatched a man with a pack animal to minister to their wants. Fremont and his men remained at the fort, sharing

the hospitality of their generous host until all were well recruited, and the animals were newly shod; when, on the 24th day of the same month, the expedition set out for the United States.

#### THE FLOUR MILL.

Within the walls of the fort was rather a primitive and rudely-constructed mill for grinding wheat and barley. A large stone was placed upon the ground, with the upper side reduced to a level surface, on the top of which was another stone, also reduced to a suitable surface and dimension, and made to spin by means of an arm or sweep, to which animal power was attached. The number of mules necessary to communicate motion to the stone is variously reported to have been—ranging from one to twelve. Compared to a modern corrugated roller mill with all its appliances, the mill in Sutter's fort would suffer.

The mill was in charge of an Indian, who dressed the stones, dictated all repairs and improvements and had the management of the

entire plant. Men who ate bread made of the "Digger mill" flour found no fault if they antagonized with no lumps larger than a bird's egg. No woman in the settlement clamored for Graham flour, no other kind being made there.

#### SUTTER'S DISTILLERY.

Within the walls of the fort, Sutter erected a distillery for the purpose of converting into an exhilarating beverage the wild grapes, of which there was an abundance along the Sacramento river and its tributaries. He also ran high wines. This enterprise he was soon forced to abandon, as he was unable to keep the liquor from the Indians, or rather to keep the Indians from the liquor. Every Indian appeared to possess a worm of his own and a strong inclination to run "high wines" through it. Sutter once said to a young squaw, who was employed at times by him in making blankets, and who had a well-grounded relish for strong drink, "Anita, if you could have three choices and all you want of each, what would you choose first?"

"Vino," (wine) she quickly responded.

"What would you select for the second," asked Sutter.

"Amigo" (a lover) was her reply.

"And what would you take for your third and last choice?"

After a little hesitation she said she would take a little more vino. She declared she first drank it at the San Jose Mission.



Anita.

## THE TANNERY.

Sutter built a tannery also, where he carried on an extensive and profitable business. This enterprise closed very abruptly after the gold find of '48. Crazed by the stories of the gold field, his men, except a few Indians who remained on roustabout duty and a mechanic whom he paid ten dollars a day, left New Helvetia, headed for Sutter's mill. Two Indians managed the ferry and made, as Sutter observed, good and honest returns of the money received until they had mingled too much with the whites.

## EXECUTION OF RAPHERO.

In the summer of 1845 a courier brought word to Sutter that Castro and some of the jealous Spaniards at San Jose had incited the Indians to attack New Helvetia, burn the grain which was then ready for the harvester, and, if possible, to take the life of Sutter. Some of the narrow-minded Californians, of whom Castro was justly



*Raphero.*

an accredited member, had looked upon him as a foreign invader whose growing strength might some day enable him to defy their authority.

Evidences of dissatisfaction had appeared on several occasions and the feeling had finally ripened into open hostility. Raphero, a well-known Mokelumne chief, was in command of the mercenary Indians who were charged with the work of destruction and death, and who were on their march and about 300 strong.

The celebrated chief in command was an anomaly. Few men as brave as he, are so treacherous and unworthy of confidence. Usually men of great courage have a warm, tender and kind heart. Alexander, Cæsar and Napoleon were, at times, as tender as a flower.

Sutter gave Raphero, on a former occasion, a token of friendship and good will and presented him with a fine horse and saddle. But the Spaniards, supported by Castro, for ready pay or rich promises, presumably the latter, that being carried by them as their principal stock in trade, induced him to undertake a task they had not the courage to perform.

In bravery he ranked with King Philip and

Tecumseh. But while they presented an associated beauty of oratory, bravery and statesmanship that dazzled the gaze of the world, he possessed no valid claim to any virtue but physical courage.

Sutter, knowing the cunning and energy of the enemy, resolved upon prompt action. A few brave men, whites and Indians, under command of Kit Carson went to intercept him. They found the warriors encamped in a stronghold in the thick brush that skirted the banks of the Mokelumne river. After a spirited engagement, in which the enemy lost severely, the whites having exhausted their ammunition and being unable to dislodge the aborigines withdrew from the field, leaving them free to skulk amid the rugged chaparrals.

There was a son of Erin in Carson's command, and a fine fellow he was, too, whose hat was quite high in the crown, through which a ball passed just above his head while in the engagement. After having returned to the fort he related the circumstance, declaring that had his hat been low-crowned the ball would have entered his brain.

A few months later the chief, who commanded the warriors in the campaign against New Helvetia, it was alleged had killed his brother-in-law. On this charge he was arrested and brought to the fort, and was tried for murder.

Sutter had been duly appointed Alcalde (justice) in and for the northern district of California by the Mexican government, and therefore was clothed with authority, in his district, to arrest, try, and condemn or acquit at will, and to try and determine all civil cases.

The trial was conducted in the Spanish language, an interpreter being employed when necessary. Raphero, who spoke Spanish with some fluency, conducted his own case. The situation would have been painfully embarrassing to almost any one but him. Far from his tribe he must be tried for homicide before a judge whose grain he had sought to destroy, and against whose life he had conspired. He denied the allegation and argued, in support of his innocence, that he held a lieutenant's commission under the Mexican government, and that by virtue of his commission he was clothed with authority to punish a man for stealing a horse in his district, that the penalty

fixed by law for horse-stealing was death, and that his brother-in-law was a horse thief.

This position was well taken and ably argued; but unfortunately the chief was unable to prove that the slain man was a horse thief, and he was unable also to produce his commission; and it was doubtful whether he ever possessed one.

He met his fate with the coolness and bravery that were characteristic of his behavior all through life. He walked to the place of execution with a haughty and dignified bearing.

Thus closed the career of a chief and warrior whose influence for evil at home and disturbance abroad, and whose insidious artifice, daring, and treachery combined in making him an object much to be dreaded, and whose freedom imperiled the life and property of every white settler within the plain of his orbit. His scalp was nailed over the main gateway of the fort, where his long black hair waved in the breeze as if mourning for the brains it had so long decorated, and as a warning to him who contemplated burning his neighbor's grain, reducing a settlement, or taking the life of his fellow man.

## THE MILL WHERE GOLD WAS FOUND.

The arrival of Mormons extended the settlement and increased the demands for building material and for women. With a view to supplying the former article, Sutter sent out an exploring party with instruction to search for good timber, good water power, and good location, with accessibility as the determining factor.

James W. Marshall, of whom this work furnishes a brief biography, was selected as the man best calculated to perform the task. He was, at this time, in the maturity of his strength, being about thirty-five years old, and was active, strong, and energetic, and a good judge of timber. Accordingly, some time in May, 1847, he was dispatched, with one of Sutter's most intelligent and trustworthy Indians as interpreter and guide, up the south fork of the American river to select a mill-site.

Precipitous hills, overhanging cliffs and deep cañons, along which a mountain stream dashes its winding way, have suitable locations for a saw mill, almost as far between as angel's visits.

In due time Marshall reported favorably, stating that he had found a desirable location for a mill at a place called Coloma, and about forty miles east of the fort. The water power, he said, was fine, the timber abundant and of excellent quality, and the plant could be easily reached by a system of natural ridges extending along the foot-hills in nearly a direct line from the fort.

The progress of an undertaking is usually proportioned to the magnitude of the enterprise; delays increasing with increasing magnitude. Not until late in August was the contract for building the mill entered into between Marshall and Sutter. This contract was drawn up by General John Bidwell, and provided that Marshall should erect and run the mill, and receive one-fourth of the lumber as compensation for his services, and Sutter was to furnish the building material and supplies and board and pay the men employed.

Some of Marshall's admirers claim at this late date that he was a joint and equal partner with Sutter in the mill. This story is both unreasonable and untrue. Marshall's purse, in longitude,



*Sutter's Mill.*

was sorely wanting. In fact, he was habitually short of ducats. This suggestion is by no means calculated, nor intended, to reflect upon him. It was his misfortune; and in this respect he was not alone. But the mill was Sutter's when it was built; it was Sutter's when it was torn down; and as Sutter's, it will go down in history to the latest posterity.

Marshall so far completed the mill as to cut some lumber in January, 1848. By experimenting, it was found that the tail-race was insufficient to convey the water from the wheel. To remove this difficulty, the water was turned into the race from the river each night for the purpose of deepening its bed and cutting away its margin.

One morning, about the 24th of January, while examining the race, which was now empty, to ascertain what service the water had rendered him through the night, he saw some yellow grains sticking in the crevices of the rocks in the bed of the stream which, on examination, he found to be some kind of metal, and it occurred to him that it might be gold.

Late that night, in a heavy rain, he arrived at the fort, forty miles away, wet, bespattered with

mud, and appearing very strangely. Sutter's surprise at his arrival on such a dark and stormy night at so late an hour was increased when Marshall said he wished to see him alone. They repaired to a private room. Sutter did not know what to think of the singular behavior of Marshall, who now asked to have the door locked.

In after years, in relating this circumstance, Sutter said he kept one eye on his loaded rifle. Thinking it inexpedient to lock himself in a room alone with Marshall, he remained inert for a while. On becoming convinced that they would not be disturbed, Marshall drew a pouch from his pocket and emptied about an ounce of the precious grains upon the table. The pieces of yellow metal thus exhibited by Marshall, varied in size, of which a large grain of wheat would be an average.

A placer miner of moderate experience, would have known the metal was gold by the shape of the grains; as placer gold, from whatever mine and of whatever size the pieces, has, in its original condition, a form or shape peculiar to itself. Although, out of ten thousand pieces, no two may be fashioned alike, it nevertheless maintains

an identity distinct in shape from all other metals.

Sutter calmly asked him where he got it. Marshall said he had picked it up in the tail-race at the saw-mill at Coloma; that the laborers, whites and Indians, were picking it up, and that he believed it could be obtained in large quantities. Sutter, being incredulous, expressed some doubt about its being gold. Marshall, aglow with excitement, said he was certain it was gold.

After a little search Sutter found, among his stores, a bottle of nitric acid, and submitted the metal to a chemical test, when it was found to be pure gold. How big with importance was this embryo in the womb of the future. It was the aurora of a commercial era.

Marshall, it is said, returned to Coloma that same night, making a horseback journey of eighty miles without an interval in which to sleep or recuperate, and half of this distance was covered in a night darkened with overhanging clouds and made dismal by a driving rain. He insisted that Sutter return with him that night. Thinking it inexpedient, Sutter declined doing so, but promised to set out in the morning for

the scene of the discovery. On reaching a point on the road within fifteen miles of his saw-mill, Sutter saw something coming out of the thick chaparral (a shrub with a multitude of woody brush stems densely interwoven) on all fours, which, at first, he thought was a grizzly bear, but on closer inspection, found it to be Marshall, who, in his anxiety and impatience, was returning from the mill to meet him.

Instead of being elated over the gold find, Sutter was visited with dark forebodings. He had been to \$25,000 expense on a flouring mill and mill-race at Brighton (a point on the American river, six miles east of the fort), both of which were in an unfinished condition; he had expended \$10,000 on his Coloma saw-mill, which would eventually remain idle should the gold fever set in, and tannery and grain-fields would be fruitless for want of laborers when a knowledge of the discovery became general.

To guard against a conjecture so well founded, he modestly asked his employees to keep the matter a secret for six weeks, during which time he would push his unfinished business and shape things generally, for the great carnival of gold

which he plainly saw was soon to follow. With his request, his men promised faithfully to comply, and he returned to the fort after having remained three days at Coloma.

#### THE DISCOVERY MADE KNOWN.

The secret was too great to be long kept. "True it is that murder will out." A drunken teamster, in possession of the secret, fearing he would not be able to keep it without help, asked a Mormon merchant to assist him. Sutter sent the teamster to the mill with supplies. He, having heard in some way that gold had been found there, managed to procure a small quantity of the "dust." On returning to the fort, he repaired to a neighboring store kept by a Mormon, and called for a bottle of whisky. Tanglefoot being scarce and expensive, and the teamster poor pay, the merchant refused to let him have it without the cash. The teamster assured him he had plenty of money, exhibiting at the same time a quantity of gold dust. No "pearls before swine." The Mormon, knowing

the character of the metal, was astonished. He let the customer have the bottle of whisky and asked where he got the gold. He refused to tell until he had imbibed quite freely of the liquor, when he told all about the discovery at the mill.

The exciting tale spread like a scandal in high life, running up and down the coast like a tidal wave. Nor was the news long confined to the sparsely inhabited territory of California. It crossed the continent, traversed the seas, and in a few months found its way into every fireside circle all over the civilized world.

#### SUTTER'S FORT AN OBJECTIVE POINT.

Homesekers, travelers and exploring parties who visited the western shore, and especially in the latitude of California, before and after the discovery of gold in '48, made Sutter's fort an objective point. A few months after the discovery, boxes, chests and every description of baggage were seen at the great commercial centers of every civilized nation on the globe, labelled, marked and checked for "Sutter's

Fort, California." But to the emigrant who had experienced the long and perilous journey of crossing the plains, with a pathway shadowed by unfriendly Indians, did the thought of Sutter's fort have a peculiar charm.

When they gained the summit of the majestic Sierras, after weary months of toil; with their beasts of burden reduced in numbers and condition; with a scanty supply of pasture in view, and the party themselves existing on food not the most desirable, and that, too, measured out from the wasting stores; with their distress and dark foreboding, already nearing the limit of human endurance; aggravated by accumulating evidences of near approaching storms, so overpowering and so terrible at high mountain altitudes, the thought of reaching Sutter's fort, I repeat, must have quickened the fondest hope and dearest heart beat.

The story of Sutter's hospitality had reached their ears in their distant homes and the memory of it was never so sweet as now. It was like a star of hope on eternity's ocean. No man ever reached the fort in distress except his wants were gratuitously removed; no visitor was ever

despondent except words of encouragement were addressed to him; was his journey's end not reached, he was furnished with a passport (an essential document to a traveler in a Spanish realm) and sent on his way rejoicing.

When the settlement was threatened with an avalanche of barbarians in search of scalps, the white settlers, from a radius of a hundred miles or more, taking informal leave of their domiciles, streamed into the fort for mutual aid and protection. When the fugitive, pale and panting, followed by his murderous pursuers, entered the fort, he felt as I suppose a saint will when he concludes the gauntlet of life and enters the new Jerusalem in the "sweet by and by."

At the fort the hungry were fed, the houseless were sheltered and the traveler found rest. The trapper, on whose trail some wily and irate chief had set the demons of hell, lost no time in pacing the distance between him and the fort, the gateway of which was open to receive him. The fort was to him what the city of refuge was to the Israelites of antiquity.

We have thus seen that Sutter's fort was an objective point. Objective, because a place of

inquiry. Objective, because a place of refuge and repose. Objective, because hospitality was there dispensed with a generous hand.

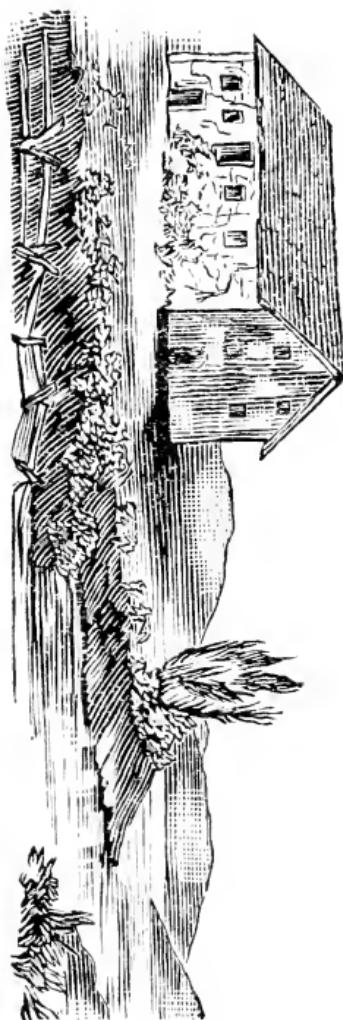
The story of Sutter and his fort is safely embalmed in the memory of the world, where it will remain while the treasures of security and the nobility of action attract the admiration of man.

#### THE FORT IN RUINS.

Of the great throng of adventurers who rushed into California in '49 headed for the gold fields, few appeared to know but little, and care less, about the property rights of individual owners.

They appropriated to their own use, things which did not belong to them, without even inquiring after the owner or thanking him when he was made known to them. They seemed to think Providence had provided the good things especially for their wants and necessities. The increase of lawlessness kept pace with the increase of immigration. They had left home to heal a financial disorder, and appeared to be acting under the advice the Quaker gave his son who

*The Fort in Ruins.*



was about to leave home: "John, get rich; honestly, if thee can; but get rich."

The brick, lumber and other material used in constructing and finishing the fort were removed piecemeal; some of which was dishonestly utilized elsewhere, to satisfy avarice, and some was borne away through an innocent desire to possess some relic of the famous fort to adorn a cabinet of curios. A piece of wood, a scrap of iron, which had served some purpose there, or a nail on which Sutter, Fremont or Carson may possibly have hung a coat or a hat, in the palmy days of long ago, was carried away by relic hunters, until the walls were so far removed as to obscure the foundation. The fort was not ruined while Sutter was there.

In 1849 he rented one room in the fort for \$200 per month.

I will add, the main building standing near the center of the fort was never destroyed, although it became dilapidated. It would have shared the fate of the rest of the fort had it not been protected by municipal authority. This main building, which served as a landmark, was 34 x 64 feet, with two stories; the first being used for a store-house, and the second for a dining room.

I have visited the place when the only evidence of a fort to be seen, was this building, which was then rapidly falling into ruins. A cut of this building, as it appeared after the walls of the fort had been entirely removed, is given in this work.

#### THE FORT RECLAIMED.

An organized society, entitled the Native Sons of the Golden West, purchased, a few years ago, of Benj. Merrill, of Chicago, the ground on which the historical fort had been erected. This property was owned by a gentleman who did not care whether he sold it or not. It was purchased for the round sum of \$20,000, which was raised by subscription, under the auspices of the Native Sons.

The restoration of this fort had been contemplated for upwards of twenty years, and an effort had been put forth in that direction by the Pioneers and others, but without success. The Society of Pioneers should not have done the work. They had long before acted their part in

the great drama. They had borne a part in both palmy and trying days that their sons should delight to perpetuate in the memory of the world. Grandly have they done their duty. The walls of this structure will whisper to their honor when gazed upon by visiting legions a thousand years hence.

Among the generous donors to the purchasing fund were Col. Fred. Crocker, the *Record-Union* and the *Bee*.

The Native Sons deeded the property to the State of California, for the consideration that she restore the fort to its original condition and protect it from depredation and decay.

In the winter of 1890-'91 the legislature appropriated \$20,000 for the restoration of the fort. In 1892-'93 the legislature made an appropriation of \$15,000 more to complete the work; making a total expenditure for purchase and improvement of \$55,000.

## JAMES WILSON MARSHALL

Was born in Hope township, Hunterdon county, New Jersey, in 1812. His father was a coach and wagon builder, and he was brought up to the same trade. His early life presents no features of special interest; but at early manhood he began to yearn for pioneer life, and turning his back upon the place of his birth he journeyed to Crawfordsville, Indiana, where he engaged his services for a few months as carpenter, after which time he journeyed westward to Warsaw, Illinois. Not having reached the Mecca of his pilgrimage, after a brief stay at this place, he resumed his journey westward, pulling up this time at the Platte Purchase, near Fort Leavenworth, in Missouri, where he located a homestead and entered into agricultural husbandry and trading.

He struggled in this place for several years contending with poverty in chief and ague on the side. A party of immigrants was being made up in the neighborhood, with California for its objective point. He had a "round-up," gathering



*James W. Marshall.*

together his stock (one horse), and joined the party. They started about the first of May, 1844, with a train of a hundred wagons. They reached California by the way of Oregon, thence by Shasta, and went into camp on Cache Creek, about forty miles from the city of Sacramento.

Sutter's fort was already erected and was regarded with envy by the Mexicans, awe by the Incians, and admiration by all others. Thither Marshall went, and entered into Sutter's employ some time in July, 1845.

Sutter was engaged in raising grain and stock, and also in merchandising on a small scale, mostly in blankets and supplies for trappers and hunters. The blankets were made by Indians who had been instructed in the business by their Franciscan masters at the San Jose Mission. Marshall having in early life become accustomed to the use of tools and possessing some knowledge of mechanical principles, was employed for a time in repairing and constructing spinning wheels, stocking plows and in building and repairing carts and ox yokes, and in the capacity of a Jack-at-all-trades.

As a man, Marshall was stubborn about the

most of things, and wanting in perseverance and mental concentration in the realm of lofty thought. Whatever may be said for or against him, he certainly was a useful man in and about the colony.

The honor of discovering gold in California is justly settled upon him. True it is, that prior discoveries were made and gold was actually taken from a mine farther south and conveyed to the Mint in Philadelphia. This, however, attracted but little attention, as the precious metal did not appear in quantities sufficient to induce extended mining experiments, and the mine as a wealth-producing agency became extinct, or nearly so. At other times gold was found, but no importance was attached to the discovery, as it was but little known and promised but small and very indefinite returns.

And in the Coloma gold field it is claimed that one Peter Wymer, or Wimmer, one of Sutter's employees at Coloma, found the first nugget of gold in the tail-race, and that his wife boiled the specimen in a kettle of lye to test its virtue. This report may be, and doubtless is, true. At all events, for the sake of argument, we will con-

cede its correctness. In as much as the fact remained a secret until long after Marshall brought his discovery to light, the said Wymer can never share the honor of the great discovery. The world, by common consent, has settled upon James W. Marshall, and upon him alone, the honor of opening the gates to the boundless gold field and creating the greatest exodus of which history furnishes any account. Any attempt to vitiate his claims to a position so justly established is akin to an effort to overshadow the splendor of Columbus' fame by bringing forward, as against him, the claims of the Norsemen. But to elaborate the episodes of this distinguished man would swell this little volume beyond its original design. And as his name appears elsewhere in this work I must forego the pleasure of tracing further his individual career.

It is a pleasure, however, to state that in February, 1872, the Legislature of California passed an Act, which was duly approved by the Governor, appropriating \$200 per month for two years for his relief; providing, however, that the appropriation cease at his death in the event that he should die before the expiration of two years.

This appropriation was kept up until March, 1876, when the Legislature passed an Act appropriating \$100 per month for two years, providing that the warrants be not drawn after Marshall's death, which appropriation he continued to receive to the close of his life.

His friends tried to make a great man of him, but failed in every effort. He was not calculated for a great man; the requisite elements not being common to his nature. He discovered the gold by incident while in the employ of another man. Had he been in search of gold, basing a conclusion upon the deductions of geology, the appearance of the soil and the location of the place that the near presence of auriferous metal was indicated, I repeat had he found gold under circumstances like these, he would have possessed an entirely different organism, and one which might have borne him to great distinction on the tide of his important discovery. He was morbidly jealous of Sutter, who was very popular with the pioneers, while he was just the reverse. Being disappointed in some of his earlier aspirations, and the shady side of life having been reached with no well-defined object established,

and his financial and social status falling below a standard he might have desired, and with no strong ties of kindred to bind him to any particular locality, he drifted about on the tide of circumstances, when, bending under the influence of years, worn out and broken down, a condition hastened by the force of irregular habits, he died alone in a cabin near Coloma on the 10th day of August, 1885, in his seventy-fourth year.

At an expense of \$5,000 a monument has since been erected to his memory and to perpetuate the day and place of his important discovery. The monument stands on the summit of Marshall Hill, at an altitude of 300 feet above the river, a half-mile from Sutter's mill site.

## FARMING.

Sutter took great pleasure in looking over his great fields of waving grain. There being little or no rail timber in the valley, and as shipping fencing lumber from Norway by way of Cape Horn was slow, uncertain and expensive, the fields were enclosed with ditches. These ditches were dug and the plowing, sowing and harrowing were done by Indians. The plows were a trifle better than those used by the prophet Elisha, but were exceedingly rude and awkward. The soil, which was rich in grain-producing elements, when broken into by one of these primitive plows would look up and laugh.

The seed time, as well as the harvest time, extended a wide latitude for discretion and convenience, a circumstance highly favorable to pioneer life, and especially adapted to the inertness of the Indians and Californians of Sutter's time, and who were in his employ. But the sight of a harvest field of that date would be a treat to a farmer of to-day. True it is, that but few years have elapsed in the interim, but they have been years

of progress in arts and sciences; and then, too, Sutter was remote from his fatherland and all other civilized nations except Mexico and her province of California, both of which had steadily kept from fifty to one hundred years on the background of civilization, intellectual culture and husbandry.

In imagination we see one hundred acres of golden grain, whose drooping heads indicate the fullness thereof, ready to rattle to the hum of a harvester, and one hundred wild Indians, variously dressed, some being entirely naked, entering the field, strangely equipped for the work.

There was every model of "Armstrong" appliances, from a scythe down to a butcher-knife, exhibited there; some even pulling the grain up by the roots, or breaking the straw with their hands. One old Indian, whom some "Boston man" had enriched with the title of "Laban," was a regular harvest hand for years. He had by hook or by crook (presumably the former), procured from some stranded barque or antiquated ruins an old scythe of Teutonic invention, and had attached to it a snath, which he had selected from the underwood that grew on the banks of the Sacramento.

When this tall, gaunt and grim-looking Indian entered the field with his harvesting outfit on his shoulder he bore no small resemblance to "Father Time."

But the threshing, when commenced, was soon over. It was done by horse power, after the following manner: A hard, level piece of ground was well smoothed off and fenced, and a few weeks' cutting was piled about four feet high over the circular enclosure, and two hundred, more or less, wild horses were turned in to do the work. This was a picnic for the Indians, who drove the horses around in a circle over the grain. When they succeeded in getting them in a lively whirl they would sally in front of them and yell as only wild Indians can, when the frightened leaders of the band would snort "down brakes," and every horse, in an effort to bring a sudden halt, skated along with stiffened legs, turning the straw bottom side up. In this way the threshing was done very rapidly.

A Yankee suggested to Sutter that mules would do this work much better than horses. Experience proved this suggestion to be wise.

When the mules were all in the corral they

could be kept in motion very easily by the following means: Hit one of them with a stone or a club, and he would kick the nearest mule, which, in turn, would kick indiscriminately, and so on, until every mule in the corral had kicked at least once, and many of them two or three times. The air was so full of straw one might have thought the grain stack had been captured by a cyclone.

#### FLOGGING OF ADAM.

Some of Sutter's men informed him that Adam, an Indian of a neighboring tribe, had been stealing and driving off some of his horses. A squad of well-armed and mounted men were sent after the offender, whom they captured and brought back to the fort for trial. Sutter, who was ex-officio judge, jury and counsel, presided over the deliberations (chiefly his own), with as much dignity as the presiding officer displayed at the trial of Warren Hastings.

The trial of Adam (if trial it was), was conducted in Spanish, it being the language commonly used in the settlement and throughout

California, at that time, a competent interpreter being always in attendance at court proceedings.

George McKinstry, who acted as clerk, swore the witnesses and examined them.

The Indian, who conducted his own case, was permitted to produce and question witnesses for himself. But he had no witnesses. From this court there could be no appeal.

The evidence against him was so overwhelming that Sutter would have been justified, under the laws of the country, had he treated him to the luxury of a death sentence. But he was not a man to abuse his authority. He made the trial as formal as circumstances would allow, as the presence of formality is often sustaining in the discharge of duty. And he may have felt as a passenger did on a Norwegian barque which was foundering at sea. Thinking they would all be lost, he asked some one to pray. As none on board had ever prayed, he asked that a psalm be sung. No psalm singers aboard. He then suggested that some one pass the hat.

The judge, jury and counsel (Sutter) sentenced the outlaw to thirty lashes of a lariat, well laid on. He was accordingly taken by the San Jose Mission

Indians, lashed to a cannon and punished, as the sentence directed, by a stalwart Indian, who seemed to enjoy the recreation more than the man did who was receiving the castigation. The punished man was then washed, fed and cared for until sufficiently recuperated to steal another horse, and then dismissed.

These California Indians who could lie all right, but who seldom stole a thing they could not reach, had, many of them, been instructed by the holy fathers that it was wrong to steal, and that whoever stole from one of them (the fathers) would be condemned in the court of shades and punished by the great spirit after death. Fearing, however, that, through inadvertency, some of the cases might not be called up for adjudication, in the tribunal referred to, the fathers, anticipating the issue, assumed the prerogative of said court, and administered the punishment an indefinite period in advance.

There is but little doubt that the miscreant, who knew but little about the after-land court, would rather have submitted his case to its chances than to him who had one eye on virgin Mary and the other eye on virgin somebody else.

## THE MORMONS AND THE FLAG.

In 1846, when the enraged citizens ousted the Mormons from Nauvoo city, about fifteen hundred men, women and children of the Latter Day Saints, disgusted with American institutions, took their movable property and journeyed toward the setting sun. A few of the sect went to Beaver island, near Grand Travers bay, on Lake Michigan. Other prominent Mormons, who were at that time proselyting in various places, purchased the ship Brooklyn, and about two hundred more of the "pure in heart" sailed from New York City the last of January, 1846, expecting to purchase from Mexico a grant of land lying near San Francisco bay, where they landed on the 31st day of August, 1846. Montgomery had taken possession of San Francisco but a few weeks before, and had hoisted the stars and stripes over the public square.

The day on which the Brooklyn sailed through the Golden Gate, was unusually mild and beautiful. The grandeur of the landscape was softened and blended by an atmosphere peculiar to that latitude, and which beautifies every object on which it rests along the Pacific

shore. This was the earnestly and long sought haven of repose. Divinity had shaped their ends. This was the promised land. Here was the place to warble an unknown tongue in all the beauty of holiness.

Here on this virgin soil, polygamous institutions would bud and blossom. The atmosphere, so mild and lovely, had not been contaminated with legislative enactments or constitutional laws. This was Eden regained. Every Adam could bask in a multiplicity of Eves.

As the proud ship moved grandly over the dark waters of the bay and neared the city, one of the elders was observed to look very steadily toward the shore with his face changing appearance as often as a dying gold fish. All at once he pointed toward the place where our National emblem was floating, and exclaimed, with an emphasis of despair: "By God! there is that damned American Flag."

A party was dispatched by the Mormons of San Francisco, to the emigrant train, under the leadership of Brigham Young, bearing the mournful tidings that the United States had taken California, and that it would be well for the emigrants under Brigham Young to select a

Mecca somewhere in the interior, where they would be, for a time, at least, beyond the polluting and ungodly influences of the civilized world. The advice was accepted, and the borders of the beautiful Salt Lake, in Utah, became the chosen, temporary abode of the sanctified.

#### VEHICLES.

Wagons were, at the time of the gold discovery, a convenience wholly unknown in California, carts being used for freighting and for pleasure riding, and were constructed in the following manner: A white-oak tree was cut in blocks about eight inches thick at the rim, and so tapering as to leave them ten inches or a foot thick at the center of the wheel. A hole seven or eight inches was bored and gouged out to receive the axle. To the axle the deltoid end of a huge pole was attached. By continued use the axle grew smaller, but the hole through the wheel seldom did. Soap was used for lubricating. The groaning of one of these carts, when not lubricated, could be heard two miles on a still morning, which music was suggestive of the final trump.

The first wagon ever seen in California was sent as a present to one of the provincial governors by a Boston merchant. It was built for a pleasure carriage and after the most approved model of that date. No harness was sent with it, and as the presentee and his associates had never seen a horse hitched to a wagon, they were thrown upon their inventive genius. The governor had the carriage and it must be utilized. Two mounted vaqueros, one either side of the pole, each with a lariat, one end of which was made fast to the pommel of the saddle and the other end secured to the pole of the vehicle, sought, through their spirited steeds, to communicate the desired motion to the vehicle with no means, except the resistance of air and gravitation, of checking any speed to which the carriage might attain.

During this memorable drive (be the term allowable), up hill and down, here and there, dashing and fetching up like a patent snaffle, the carriage inspected every rut and every other obstruction along the thoroughfare, even veering five or six feet to procure a set-to with a feld-spar or granite boulder by the wayside. Sometimes the governor was on his seat and some-

times on his head. The carriage having been made in New England, where the famous "one-hoss shay" was constructed, endured the ramble remarkably well. The dash, which was of wood and of liberal proportions, looked like a Norman guide-board, of centuries agone, standing by a frontier thoroughfare, directing crusaders to the "Holy Land." The spirited equines, mistaking its use, supposed it to be a cavalry target and occasionally took a random shot at it. The governor, out of respect for the giver, ordered the carriage to be placed under a shed for safe keeping, where its remains, it is said, may be seen to this day.

#### CASTRO REBELLION.

In August, 1842, General Micheltorena arrived at San Diego, empowered by the Mexican government to assume both civil and military command in California. Strong opposition to this appointee was early demonstrated by the Californians under the leadership of General Jose Castro, and the disturbance growing out of the disaffection is, or should be, recognized as the Castro rebellion.

Sutter and Bidwell visited Micheltorena at Monterey, on which occasion the latter asked Sutter to aid him in putting down the rebellion, to which he consented. He made a bargain for his friends, however, before he set out in the campaign. He asked that every petition for land on which he (Sutter), as justice, had favorably reported should be no less binding than a formal grant. With this request the governor readily complied.

This rebellion was so far successful as to oust Micheltorena, one of the best governors California had ever had up to this time, and establish Pio Pico in his place, and Castro was appointed general. The deposed governor entered upon his official duties under the instruction to dispossess Sutter, who, it had been reported, defied the authorities of Mexico. On hearing this, Sutter dispatched a courier, to meet the governor before he arrived at the capital city, with a well-timed letter written in French and sparkling with courtesy. This letter secured the good will of Micheltorena, with whom the Americans also, through Sutter, found favor. Sutter has been unjustly censured for the action he took in support of the governor. We should bear in

mind the fact that Sutter was a Mexican citizen, having previously obtained his naturalization papers and was also a civil and military officer under the Mexican government. And had he joined the enemy, he would have been a rebel and his property, in the event of defeat, would have been confiscated. Believing that an extract from Sutter's journal relating to this affair will please my reader, I will quote him *verbatim ad literatim*:

"In the fall of 1844 I went to Monterey with Major Bidwell and a few armed men (canallada & servants), how it was customary to travell at these times, to pay a Visit to Gen'l Micheltorena. I has been received with the greatest civil and Military honors. One day he gave a great Dinner. After Dinner all the Troupes were parading, and in the evening a balloon was sent to the higher regions, etc., etc.

"At the time it looked very gloomy the people of the Country was arming and preparing to make a Revolution, and I got some sure and certain information of the British consul and other gentlemen of my acquaintance, which I visited on my Monterey trip. The did not know that the General and myself were friends, and told

and discovered me the whole plan, that in a short time the people of the Country will be ready to blockade the General and his troupes in Monterey, and then take him prisoner and send him and his soldiers back to Mexico, and make a Gov'r. of their own people, etc.

"I was well aware what we could expect, should they succeed to do this, they would drive us foreigners all very soon out of the Country, how they have done it once, in the winter 1839. Capt. Vioget has already been engaged by Castro & Alvarado to be ready with his vessel to take the General and his soldiers to Mexico.

"I had a confidential Conversation with Gen'l Micheltoreno, who received me with great honors and Distinction in Monterey, after having him informed of all what is going on in the Country, he took his measures in a Counsel of war in which I has been present. I received my Orders to raise such a large auxiliary as I possibly could and to be ready at his Order. At the same time I received some cartridges and some small arms, which I had shipped on board the *Alert*, and took a passage myself for San Francisco (or then Yerba Buena). If I had travelled

by land, Castro would have taken me prisoner in San Juan, where he was laing in Ambush for me. In Yerba Buena I remained only a few hours, as my Schooner was ready to receive me on board, having waited Ya. Ba. I visited the Officers of the Custom house and Castro's officers, which immediately after I left recievied an Order to arrest me, but I was under fair Way to Sacramento.

"After my Arrival at the fort, I began to organize a force for the regular General, Drill of the Indian Infanterie took place. The Mounted Rifle company, about one hundred Men of all Nations, was raised, of which Capt. Gartt was the commander. As all was under fair way and well organized and joint with a Detachment of California Cavallry (which deserted from Vallejo), with Music and flying Colors, on the 1<sup>st</sup> January, 1845, to join the General and comply with his Orders. Major Reading was left with a small garrison of Frenchmen, Canadians and Indians as commander of the upper Country.

"Castro had his headquarters in the Mission of San Jose; he did not expect us so soon, as he was just commencing to fortify himself, he ran away with his garrison; was collecting a stronger

force, and wanted to March, but as he saw that I was on a good *que vive* for him, he left for Monterey to unite with the forces that was blockading the General and his troops in Monterey, and advanced or runed to the lower Country to call or force the people theré to take arms against the government. On the Salinas, near Monterey, the General was encamped, and with our united force, about 600 Men (he left a garrison in Monterey), we pursued the enemy, and had to pursue him down to Los Angeles, the first encounter we had with the enemy was at Buena ventura, where we attacked him and drove them out of their comfortable quarters. While at and near Santa Barbara, a great many of soldiers of my Division Deserted; over 50 men of the Mounted Rifles, the detachment of California Cavalry deserted and joined their Countrymen, the ribells, likewise a good number of the Mexican Dragoons.

"Near San Fernando (Mission) the enemy occupied a fine position, and appeared in full strength, joined by a company of American Traders coming from Sonora, and another company of the same consisting of traders and trappers; and the whole force of enemy was over 1,000

Men, well provided with everything, and our force has been no more as about 350 or 375 men, and during the battle of Cavenga, near San fernando; the balance of the Mounted Riflemen in the artillery deserted, and myself fell in the hands of the enemy, and was taken prisoner, and transported to Los Angeles.

"A few days after this the General, surrounded by the enemy, so that he could nothing more get to eat, capitulated; and after the necessary documents was signed by both parties, the General was allowed to march, with Music and flying colors, to San Pedro, where some vessels were ready to take him and troops aboard; and after having delivered their arms, etc., proceeded up to Monterey to take the remaining garrison, the family of the General, and his privat property, likewise the family of some of the officers. This was the End of the reign of General-Governor Manuel Micheltorena.

"The new government, under Governor Pio Pico and General Castro, etc., had the intention to shoot me; they were of the opinion that I had joined General Micheltorena voluntarily, but so soon as I could get my baggage and my papers, I could prove and show by the orders of my

general that I have obeyed his orders and done my duty to the legal government. And so I was acquitted with all honors, and confirmed in my former offices as military commander of the northern frontier, \* \* \* with the expressed wish that I might be so faithful to the new government as I had to General Micheltorena."

The foregoing extract may direct the reader to the conclusion that the fame of our hero does not rest exclusively upon his ability as a linguist. It shows the action of a great mind struggling with a language he could not manage. Evidently, unlike Burret or Cushing, the force of his genius did not flow in the channel of tongues.

The reader will incline to palliate Sutter's imperfect English when he bears in mind the fact that he was upwards of thirty years old when he came to the United States, and that much of his time after his arrival here was spent among Kanakas, Diggers and Missourians.

## BLACK EAGLE.

About the last of April, 1846, Lieutenant Gillespie, of the United States Marine Corps, arrived with dispatches for Captain Fremont, who was in California in command of an exploring expedition, and who, having been opposed in his field of observation by the jealous and narrow-minded Castro, had set out from Sutter's fort on a journey to Oregon a day or two before Gillespie's arrival. Sutter furnished the latter with animals and a guide to conduct him to Peter Lassen's place, whence the animals were to be returned by the guide to the fort.

Here Gillespie purchased some horses and hired a few brave mountaineers and pushed out on Fremont's trail in hot haste, hoping to overtake him before he reached the mountains. But the "Pathfinder," through intuition and experience, had become expert in traversing roadless countries, and moved so rapidly it was doubtful whether he could be overtaken by the party ere he penetrated far into Oregon.

Gillespie encountered a party of Indians belonging to the Klamath tribe who were encamped on a river bank and engaged in salmon fishing. These

Indians were theiving and treacherous, and especially hostile to the whites, whom they called "Boston men." They had strong bows, which in their dextrous hands would send one of their large steel-headed arrows over 100 yards and penetrate



*Black Eagle.*

three inches into a tree. They shot very rapidly and with remarkable accuracy. Some of the arrow-heads were made of obsidian. Those made of steel had been purchased of the Hudson Bay Company at Fort Vancouver.

On this occasion the Indians showed no signs

of hostility, but behaved quite to the contrary. The chief (Black Eagle), with a smile and a "how-dy," assisted the party in crossing the stream. Gillespie's horses, from having been almost constantly admonished by whip and spur, to a higher rate of speed, began to resemble a structure in an unfinished condition.

Believing it to be his only chance to succeed, he dispatched Sam Neal, an expert mountaineer of great daring, on one of his fleetest horses under orders to overtake Fremont if possible. None but a strong and courageous man could have made the ride. His passage through a narrow defile in the hills was disputed by a party of Indians. With the bridle reins in his teeth and a pistol in each hand he dashed at full speed through a shower of arrows, and firing to the right and left, escaped his pursuers, and reaching Fremont's camp, fell from his horse exhausted. Fremont ordered for him a cup of warm coffee. On learning the perilous situation of Gillespie and the location of his camp, Fremont, taking with him Kit Carson and five or six of his Delaware Indians, every one of whom in bravery and a knowledge of Indian warfare was the peer of any man that ever lived, started on the back

trail to the relief of Gillespie, whose camp he reached in the early twilight.

After supper the party talked by the campfire till a late hour, and then imprudently went to sleep without establishing a sentinel. The first sleep of the night, which is said to be the sweetest, was of short duration. Carson's quick ear caught a thud-like sound, which instantly brought him to his feet, when he saw the camp alive with Indians, and that the sound that awoke him was produced by a tomahawk crashing into the brain of a brave and trusty Delewarean.

The Indians immediately raised the war-whoop, which was returned by Carson and the remaining Delawares. The Klamaths, after being severely punished, all sought refuge in flight, except Black Eagle, who fought with a spirit of desperation, dodging from side to side under cover of night, and screaming like a panther to elude the vigilance of his enemy as to numbers and location, and at the same time hurling his shafts with the rapidity of thought.

One of Fremont's men went to the light of the fire to examine the lock of his gun, when Carson coolly remarked to Fremont: "See that — fool."

Black Eagle finally "bit the dust," and was found to be the same chief who assisted Gillespie in crossing the stream two days before.

Two of the Delawares who mourned the loss of their brave comrade, obtained permission of Fremont to remain in camp awhile after the party had set out for Sutter's fort.

After Fremont was well out of sight of camp he halted that he might be overtaken by the men whom he had left with Neal the day before, and also by the Delawares, who remained concealed near the scene of the night attack.

On hearing a few rifle reports in the direction of the camp, the party started back only to meet the two Delawares on a brisk pace, each with a warm scalp of a Klamath warrior.

In relating this circumstance, Fremont said it was the second instance in his official career in the west that he had encamped without the protection of a sentinel. On that night, he said, just before spreading his blanket he went to a meadow near at hand where his mules were grazing, as was his custom, to see the condition of the animals, and especially to see if they were quiet and inclined to rest, or if they showed signs of uneasiness with their attention frequently ar-

rested and attracted in a particular direction for mules, he said, were natural and expert detectives. He left them quietly feeding and returned to his camp, and all, being very tired, went to sleep without the protection that prudence, at such a time and place, would have dictated. After punishing the tribe for their behavior, by burning their village, they returned to the fort. Black Eagle was tall and well-proportioned, and classed with the higher grade of California Indians. He was strong, athletic, and a fast runner, and could run and jump nearly twenty feet.

#### SOCIETY.

At the time of Sutter's advent into the Sacramento valley, the society in the more settled portions of the country, where the frequency of rancheros and neighbors could be regarded as a society, was less formal on points of etiquette than New England society is to-day, or probably was at that time.

The social pleasures consisted in neighborhood visits, on which occasions the visiting party were sometimes treated to songs, accompanied by the guitar, and sometimes to feats of horsemanship

displayed by young men who were, undoubtedly, the cleverest horseback riders in the world, the Cossack and Mameluke not excepted. A cavalier who could not pick a silver dollar from the ground, when riding at high speed, was by no means accounted an expert equestrian. The rider was not so fond of his horse as he was of the pleasure he derived from his use; for, in fact, a horse was soon worn out and broken down under his regime. But when one of those noble animals survived his usefulness he was turned out to grass, like a broken-down politician, with some exceptions as to reputation, and another was selected from the goodly number his owner controlled to take his place.

A representative Californian of riper years, whom the spirit of frolic had deserted for a more suitable abode, unlike the ambitious youth, was more attached to his horse than to equestrian exploits, treating him not only with kind care but with caresses of fondness.

His horse came in for the lion's share of his affections, and the residue was divided between his dogs and his wife; a custom which time, with its endless changes, has not yet consigned to the past.

Why these men were such excellent riders will be readily understood on a little reflection. The most of them were either owners of cattle, for which they must care, or were often employed by those who were in cattle husbandry. Under no circumstances was it safe for a footman to venture near a band of cattle, either on a range or in a corral. The picture is scarcely overdrawn to say when a band of wild cattle attack a footman on a plain, where deep ravines, precipitous rocks or trees offer him no shelter, they become an enemy little less formidable than the same number of tigers would be in a Bengal jungle.

Business pursuits called boys into the saddle at an early age and kept them there a great deal of the time; and, as experience is the mother of skill, they became expert horsemen as a direct and natural consequence. It may be well to observe that the primitive Californian was organized for enduring a vast amount of rest. He seldom relished self-created locomotion; it savored too much of toil.

But the chief pleasure in which the women participated was found at the dancing party. Some of the young women were both attractive and beautiful, and as blithe as a skylark, gliding

through the dance like a celestial vision, stepping the sweet measures with extraordinary adroitness as the musician swept them from his guitar or mandolin. They were modestly attired, and yet so sparingly upholstered as to display an outline that Venus might have envied. The complexion of the girls of "sweet sixteen," which in a sunny clime is so generally inconsonant to beauty, was, in some instances, a happy blending of olive and rose tints. Their eyes were dark and well ornamented with long black lashes, which formed a beautiful contrast with the soft bloom of the cheek. The lips were full and pinken, and when parted showed a system of pearly teeth set with unsurpassed regularity.

It was a rare treat to witness a spirited conversation in the Spanish language between two of those musically-voiced women.

Sometimes they rode to the party on a favorite pony, and as frequently went on foot, walking sometimes a distance of five or six miles, and usually with bare feet, carrying in their hands a pair of slippers, which they adjusted to their feet by the wayside before arriving at the scene of festivity. No hose worn. When one of them accepted from a cavalier an invitation to attend a

party she considered him obligated to bestow upon her so much of his attention as she might require (and the reader who has any knowledge of womankind is left to estimate that amount) during the life of that occasion, and she would insist, then and there, that her social rights be observed and respected. Her assumed jurisdiction over the deportment of her beau ceased, however, with the passing of the festival, leaving him to his own discretion respecting the future. If one man stole another's wife and was afterward discovered he was sometimes flogged, provided the man whose wife was stolen considered himself injured; but if a horse were stolen and the thief was apprehended he died with his boots on; the penalty attached by law to horse stealing being death; to wife stealing, flogging.

#### THE BEAR FLAG REVOLUTION.

The word war, when applied to nations, strikes the ear with unsubdued harshness. It is but a conventional term, used to awaken ideas of desolation, calamity and death; of feeding mother earth on the choicest globules of patriotic blood,

and of feasting wolves and vultures on human flesh.

The Bear Flag war was rather a humane war in which the possible good it may have induced is not counterpoised by the sorrow and misery it entailed.

Reserving a more complete history of this war for the carefully prepared work, entitled "The Life and Times of Gen. John A. Sutter" (illustrated), complete in one volume, by the author of this work, and which will soon be given to the public, I will notice, with much brevity, some of the issues involved, actions taken, and points scored in the so-called Bear Flag revolution,

Where hero's brave marched too and fro,  
But nowhere did the crimson flow.

Pico and Castro were hostile to the American immigrants, and neglected no opportunity to so express themselves.

The Indians were so troublesome that Mexico had offered lands to any foreigner who would settle upon them and naturalize to her government. These lands they had refused to grant, according to promise. Instead of a republican government, which had been promised them,

they were imposed upon by arbitrary and unprincipled rulers, who sought their appointment through a desire for aggrandizement and plunder.

Pio Pico, in an address to the Junta, declared that these self-invited guests, with their great prairie schooners, had scaled the Sierras and were occupying the most fertile valley lands in the State. With their long guns they would kill an antelope at almost any distance, and that it was doubtful whether California, at that time, was able to drive them back over the mountains whence they came. He said it was hard to tell what they would undertake next, but whatever it might be, they would be likely to succeed.

There were a great many foreigners in California, but the Americans outnumbered all the rest, and upon them, the displeasure of the dominant power was brought to bear.

Castro, whose adroitness was best displayed in his efforts to keep out of danger, declared, by proclamation, that all foreigners must leave California within forty days, or their property would be confiscated and they would be put to death.

As he was commander-in-chief of the army in California, this proclamation could not pass

unnoticed. The Americans, being recognized as foreigners, began to look about them, and to inquire whether Castro was laboring under a mistake.

A train of overland immigrants was expected soon to reach Carson Valley, en route for California. The valorous Castro conceived a plan to intercept this train, kill all the live stock, destroy the goods and send the party back across the plains.

Preparations were commenced for carrying this work of barbarism into effect. The provincial government had a band of horses pasturing near San Rafael. Castro sent a lieutenant and some privates to gather them up and bring them to San Jos , to be used as cavalry in the expedition against the immigrant train referred to.

The officer and his men crossed the Sacramento river with the horses, at Knight's Landing, and were overtaken on the following evening by a party of Americans, who captured the horses, leaving one for the lieutenant and one for each of his men, and after instructing the officer to tell Castro if he wanted the horses to come and get them, they returned, with their prize, to the settlement.

"The pear was ripe." On the 14th day of June, 1846, a party of Americans, mostly from Napa valley, without a leader, gathered and took Sonoma, a fortified town on the north side of San Francisco bay.

This place was occupied by Mexican citizens, and was the residence of General Vallejo, who was commandant-general of the northern district of California; his brother, Don Salvador Vallejo, who was captain in the Mexican service, Colonel Victor Prudeshon and Jacob P. Leese (an American).

These officers were surprised in bed at break of day, and were transported as prisoners of war, or hostages, to Fremont's camp, where they were kept a few days and then removed to Sutter's fort, where they were strictly guarded by several Americans, who were detailed for that purpose, and one Mr. Kern, a private in Fremont's command, was made a captain of the guard. The prisoners were kept at this place until released on parol.

Some of the Americans, who were members of the guard, and who were unacquainted with the kind feeling General Vallejo entertained for them, censured Sutter for the courtesy with which he

treated the prisoners, and even went so far as to threaten his life if he did not desist. Sutter informed them that the fort was his own private property, and that whoever remained in it, while it was subject to his control, should suffer no abuse. He informed the guard that General Vallejo and his brother officers thought well of them, and respected the American flag. He told them, in conclusion, if it were their intention to treat the prisoners any way but kindly, they must delay doing so until they were removed from the fort.

I have said that the party to whom the garrison at Sonoma surrendered acted without a leader. Rumors are, or have been, current that Ezekiel Merritt, Esq., acted, at some stage of the proceedings, either before or after the surrender of Sonoma, as captain of the company. Certainly he could have been in command but a short time, and there is a well founded doubt about his having acted in that capacity at any time. The statement is well authenticated that Merritt headed the party on their ride to Sonoma; and it is quite as evident that on reaching the place his authority over the men, whatever it was, ceased by agreement or by common consent.

Dr. Semple, who was duly appointed a member of a committee to gather material for a history of the Bear Flag revolution, published a series of articles on this subject, the first of which appeared in his paper two months after the flag was raised and the movement inaugurated. He was an active participant, and was in a position to know as much about the movement as any one. I think much importance should attach to his statement. He says; "On the 14th day of June, 1846, a party of Americans, without a leader, gathered and took possession of the fortified town of Sonoma," etc. But Dr. Semple says Merritt was a member of the Bear Flag party.

General Vallejo's wife, an amiable and accomplished lady, who was present when her husband was commanded to surrender, said to the Americans, "To whom are we to surrender?" In after years she frequently related the circumstances, and amused herself with the idea that an armed force undertook so grave a task without a leader.

Merritt, the reputed captain, was an old mountaineer, bear hunter and trapper. He lived with a squaw, and attired like a Rocky Mountain chief, wearing buckskin breeches heavily fringed along the wide seam on the outer side of the legs.

He was addicted to a generous use of ardent spirits and navy plug tobacco. He did but little spitting, but either swallowed the tobacco juice or let it flow at random adown his chin. In his own estimation he was as brave as "Captain Kidd" was bold.

He was a skillful bear trapper, and, according to his own report, he had slaughtered Indians enough to people an extensive burying ground. Every time he killed one he cut a notch in his tomahawk handle, which was notched, of course, from one end to the other. As he could neither read nor write, this was his only method of making a memorandum. It is doubtful whether he could have even counted the notches in his tomahawk handle.

When the revolutionary party captured this "Ticonderoga" they surrounded the fort and sent some men with an interpreter (Spanish being spoken) into the commander's apartments to demand the surrender. Vallejo assured them he was willing to make common cause with them and head the forces at his command against the enemies of the country.

His generosity, for which he was distinguished, becoming excited, he brought forward some

choice wines, which the party, after a night's ride, sampled with a greed that controlled their judgment.

After remaining in their saddles two or more hours guarding the premises, during which time they had received no tidings from the men who entered the house, one of the party suggested that they elect a captain and let him enter and explore the situation within and in due time report to them. The man was accordingly elected and sent in.

The company in the house was enjoying a high jinks. Merritt was sitting with his head down and was totally indifferent in regard to all passing events, to say nothing of future prospects, and the delegated interpreter was too "mellow" to discharge his official duty.

After waiting an hour for the return of the captain, the party elected another man and sent him in with the same instructions they had given the other, saying to him: "Now, you go in that house, and by —— you come out again." The author does not vouch for the truth of the foregoing story.

The Bear party left a garrison of 40 at Sonoma, where they found nine pieces of artillery and 250

stand of arms. The prisoners, as I have said, were sent under an escort to Captain Fremont's headquarters. After they had ridden a few hours, one of the Americans, recognizing Salvador Vallejo as the man who had once treated him to an exhibition of brutality, rode up to him and in a determined voice said to him: "When I was in your power, sir, you struck me with your sword; now you are in my power and I will not strike you."

The first night after leaving Sonoma the party having the prisoners in charge encamped and went to sleep without being sentineled.

After Morpheus had folded them in his gentle embrace the sleepers were approached by a band of desperadoes, under the leadership of Juan de Padilla, an outlaw, who cautiously crept to where they lay, and informed General Vallejo that he had a strong force of well armed rancheros who could surprise and kill the Americans before they could fly to arms.

Vallejo, outranking Padilla, instructed him to banish from his mind so foul a plot, which, if carried into execution, would imperil the lives of their families and strengthen the cause of the foreigners. He told Padilla he should go with his

captors, and hoped for good treatment. Valor and magnanimity, he said, go hand in hand, and no people who are as brave as the Americans are can fail to be generous.

The prompt action of the patriots, which eventuated in the capture of Sonoma, is entitled to the commendation of humane, loyal and brave men. Their determination to protect themselves, their homes and their friends against unprovoked and brutal violence was cool in its inception, mild in its execution and beneficent in its tendency. A plan had been matured by the enemy to visit an immigrant train with robbery, hardship and distress. Had the Americans acted with indifference or inertly pending this plan to pillage a helpless train of their countrymen, their friends and their kindred, they would have sullied the record of American courage and patriotism. Besides this threat, those in position to grant passports to those wishing to travel through the province had refused to do so. The commander-in-chief, as we have noticed, had ordered every foreigner out of the country, under pain of death should the order be disregarded. These insults the Americans were neither prepared nor disposed to endure.

They had been allured to California by the promise of land and the promise of protection. The land had been withheld, and instead of being protected the government was directing its arms against them. They, as well as all other Californians by adoption, had grown tired of such injustice. This fact appeared evident from the unsettled state of affairs which had existed more than twenty years prior to the Bear Flag war.

While the spirit of revolution was known to be spreading throughout the province, many were apprehensive of results prejudicial to the interest of foreigners from premature and indiscreet action. The ignorant and narrow-minded class of native Californians were jealous of the Americans, who, they claimed, were steadily encroaching upon their domain, and who, through habits of push and economy, were increasing their riches.

Immediately after the fall of Sonoma the Bear party proceeded to organize an independent government. William B. Ide was elected governor and commander-in-chief of the independent forces, and John H. Nash was elected chief justice.

As all civilized nations have a flag and a motto, this embryonic republic must assume the digni-

ties of sovereignty and add her motto to the republic of banners.

Dr. Semple, to whom I have referred on another page, and who was present when the flag was made, says: "A flag was made of a piece of white cotton cloth, with one red stripe on the bottom, and on the white a grizzly bear with a single star in front of him. It was painted, or rather stained, with lampblack and pokeberries. Along the top was written Republic of California."

It is quite probable that William Todd, a young man who was a kin to the wife of Abraham Lincoln, assisted by old Peter Storm, painted the bear flag. There are as many conflicting reports respecting this flag, as to how and by whom it was made, as there are about the color of a chameleon. Each of these reports seems to be well authenticated and highly creditable. They cannot, all of them, be true.

The idea of having a grizzly bear for a motto was suggested by Captain Ford. Most of the party being hunters, the suggestion was thought to be a good one and the bear was adopted. The painting, viewed from an artistic standpoint, was not a success, as those who saw it, and not know-

ing what it was intended to represent, supposed it to be a wild boar.

The "Giotto" who painted the bear flag, and whom without doubt was young Todd, is entitled to lasting credit, poor as the execution may have been. It was an impromptu performance to meet the demand of a real or supposed necessity. The artist did not know how long the new banner would wave in heaven. The revolution might be a success or it might be a failure. The young painter might long enjoy the empire his valor helped to create, or he might die the next day as a rebel, ignominiously and on the scaffold. Time for deliberation was not at his disposal. He could not, like Raphael, repair to his studio and there, undisturbed by contending influences, with his mind as calm as a summer's sea, and with the choicest paints and brushes at his command, outline and re-outline, sketch and re-sketch, limn and re-limn, and blend and re-blend for days, weeks, and months before offering for public inspection the offspring of his imagination.

In due time Governor Ide issued a proclamation and arranged articles of agreement and treaty stipulations. He promised protection to women and children, and to all who would not take up

arms against the revolutionists. This address had a far-reaching and a most salutary effect.

Meanwhile, Castro sent out a proclamation calling on all good Californians to unite, and in one bold effort fall on and kill the bears of Sonoma, and then return and kill the whelps afterwards. This murderous proclamation aided greatly in increasing the garrison.

Incensed by the barbarous threat of Castro, the foreigners who had hitherto been neutral or conservative took on bolder conditions, and resolved to stand by the Americans, and on the 19th of June, the garrison of Sonoma was reinforced.

At that time California was, what it has been ever since, the general dumping ground of all nations. Whatever may have brought the foreigners to the country, they were brave men and were loyal to the home of their adoption. By the 4th of July the patriots had taken Yerba Buena (San Francisco), spiked the cannon there, and held all of California north and east of San Juan river.

At the solicitation of the revolutionists, Fremont took command of them on the 5th day of July, 1846, which virtually terminated the Bear

Flag revolution by merging it into the character of a national war, congress having declared war against Mexico May 13th, just one month and one day before the fall of Sonoma.

California was settled and conquered by American immigrants, and the enterprise was followed up by the American government.

On the 11th day of July, 1846, General Sutter raised the American flag over his fort. Under this flag, men are transformed into heroes.

How impressive must have been the scene when, on that beautiful morning, the aromatic breath of heaven, which ever touches the western shore in this latitude with unprecedented loveliness, kissed the glorious flag of our country; when, for the first time, the Swiss humanitarian, in whose soul the fires of patriotism were ever aglow, gave the starry emblem of freedom to the breeze that fanned the citadel of New Helvetia.

The subsequent military operations in California, directing to the treaty of Guadaloupe Hidalgo, are so well known, and our space in this volume is so limited, no allusion can be made to them here.

## THE MURDER OF COWEY AND FOWLER.

At the beginning of the Bear Flag revolution, two young men, Thomas Cowey and George Fowler, who lived in the neighborhood of Sonoma, started to go to Bodega. When on their way they were discovered by a small party of Californians, under command of one Padilla, taken prisoners, kept a day and a half, and then they were tied to a tree and cut to pieces in the most brutal manner.

A Californian, known as Three-Fingered Jack, a noted outlaw, who was afterwards captured, gave the following account of the horrible scene: The party, after keeping the prisoners a day or two, tied them to trees, then stoned them. One of them had his jaw broken. A riata (rope) was made fast to the broken bone and the jaw dragged out. They were then cut up, a small piece at a time, and the pieces thrown at them or crammed in their throats, and they were eventually dispatched by cutting out their bowels.

The tragedy of Cowey and Fowler shows the first and almost the only bloodshed in the Bear Flag revolution. The shedding of this did not occur in battle, nor even in a skirmish sanctioned

by color of war, but was a cold-blooded murder, committed under the assumed license of a side show.

The following is a list of the members of the Bear Flag party, as furnished by Dr. Semple: Sacramento Valley, Ezekiel Merritt, Robert Semple, William Fallon, William B. Ide, Henry L. Ford, Granville P. Smith, Samuel Neal, William Potter, Samuel Gibson, W. M. Scott, James Gibbs, Horace Sanders, Peter Storm; Napa, Samuel Kelsey, Benjamin Kelsey, John Grigsby, David Hudson, William Hargrave, Harrison Pierce, William Porterfield, Patrick McChristian, Silas Barrett, C. C. Griffith, William L. Todd, Nathan Coombs, Lucien Maxwell; Sonoma, Franklin Bidwell, Thomas Cowey, George Fowler, William B. Elliott, Benjamin Duell, John Sears, "Old Red." Others were connected with the movement, but it cannot be ascertained if they were present at the capture of Sonoma.

## THE CARNIVAL OF GOLD.

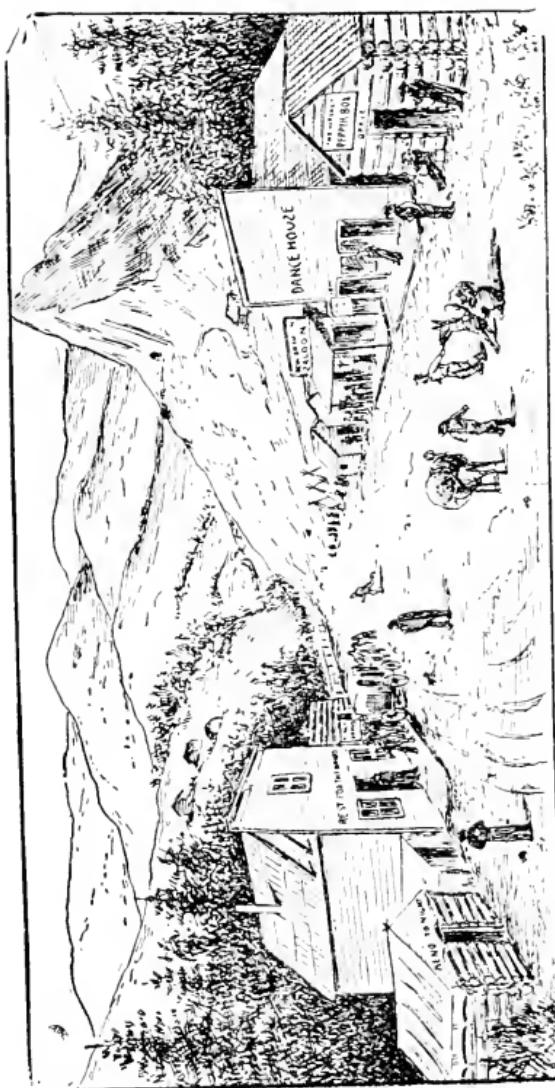
When, by incident, the book of fate was suddenly opened at a page that dazzled with fairy promises, the admiration of mankind, wild, novel and romantic were the scenes in California society that followed. Stories of extracting the precious metal at Coloma were well rounded out in their proportions before they left the mining camp, and, as they fell on good ground, they frequently produced five hundred fold. Strange as it may appear, the stories of the gold find of '48 lost neither flavor nor matter in the rapid and endless transfer from man to man all over the world. Good as the stories were, no one took toll of them, syndics, trustees and corporation chairmen being less plentiful than they are now. Each tale received from its vendor the fertilizing support of his genius until it grew like Jonah's gourd. A grain of gold taken from the mine became a pennyweight at Panama, an ounce in New York and Boston, and a pound nugget at London. Companies in New York and Liverpool owning steamships lost little time in establishing transportation lines by both Panama and Cape Horn routes to the great gold fields of the Sierras.

These navigation companies had scraps of iron and copper of various shapes and sizes, some being as large as a man could lift, washed in imitation of gold, and labeled "From California." These nuggets of base metal were artfully arranged in windows and showcases to catch the passer's eye. They caught it. Excitement rose to a fever heat, the traveling masses in search of the "aurum's nest" were willing to take some chances. They evidently took many.

Within six months from the time gold was discovered, at Sutter's mill, a great carnival was established, outrunning in its magnitude the liveliest imagination and the wildest deductions of fancy. The tale was told and the influence was felt wherever on the planet civilization claimed a home. This was at a time, too, when telegraphy was in its infancy. The rage so exciting, so contagious and so far reaching, gave rise to a voluntary commotion, which, in the extent of its range, shadows the record of all times. The great commercial thoroughfares of the world were soon thronged with the curious, the venturesome and the determined. Upon the furrowed bosom of the dark ocean were wafted toward an uncertain destiny souls who had

hitherto recoiled at the thought of hazarding the perils of the deep. Plains unconquered, and until now unknown, were peopled by a moving mass of fortune seekers, all headed for the land o gold. All nations were soon represented in California. A babel of confusion ensued. Tented hamlets, villages and cities sprang up as if waved into existence by a fairy's wand. The necessities of life were much wanting. Flour, eighty dollars per hundred; beans, seventy-five dollars per hundred; potatoes, fifty dollars per hundred, and other domestic articles correspondingly scarce and expensive; whisky, especially, soared up like the price of fuel in mid-winter.

Thousands of men, unhoused and untented, rolled themselves in blankets, took shelter under a star and lay down to dream of home and loved ones and the probable treasures in store for them in the land of strangers. The long, weary, and uncertain transit of the "post" added gloom to distance and fanned the flame of anxiety. The hope of restoring to a healthy condition a disordered finance battled bravely with the ever lurking forces of despondency. Some men were successful to the fullest expectation. Others, less favorably starred, and being sore over mis-



*A Primitive Mining Town.*

fortune, pined for the loved and dear ones at home, finally sank beneath a load of care and sorrow, and now sleep, in unknown graves all over the gold-bearing region of the Pacific shore.

California was peopled by no select or special class or classes of society. Every grade of human kind, from the learned, the wise and the humane down through each and every intermediate caste to the contemptible scum of God's creation, was found here. Desperate characters, unhung in the land of their birth, sought to lose their identity amidst this commingling of nationalities.

A man was nowhere safe, except he were cautious and on his guard. But the better classes of men came to the front, as circumstances induced improved conditions in society from time to time, and scoundrels of both high and low grade were summarily dealt with. It became fashionable for such men to die with their boots on, erect and without touching bottom. Rather an awkward manner of going out. As men die but once, this style cannot be safely attributed to force of habit. The style was adopted to gratify the desire of "Judge Lynch."

Wives, daughters, sisters and sweethearts were

left at home; the journey being too long, fatiguing and hazardous, and the comforts and sunshine of life at the journey's end too uncertain to encourage the thought of embarking them in the enterprise. As a consequence, a dearth of women in California prevailed.

In 1850, a fair looking, well upholstered young woman, who was an average performer on an organ, piano, or guitar, could command one hundred dollars per month, just to stop at a hotel to draw custom.

Some years ago I was informed by a woman that she had refused the above offer. She said, however, that she was acquainted with the landlord and his family, and that she visited the family often, staying weeks at a time. Freight teamsters put up early at the hotel, while she was there, and started out late, sometimes staying till their bill was one hundred dollars, which was paid in gold dust.

The woman, too, who related this to me is as innocent of beauty as an egg is of moss. Women were at a premium, and a man would walk five miles, on crutches, just to hear a baby cry. To-day he will walk twice that distance, if necessary, to get out of hearing; and a man unless he owes

his neighbor a grudge will not board a musician at any price.

Ten dollars, or an ounce of gold dust per day, was the average wages for roustabout labor. An Italian stevedore could command almost any price he might ask to load and unload a vessel. That day is past. Water seeks its level. Prices have gradually settled down to a normal condition. The gold fever has been neutralized by experience, hardship, and disappointment. The judge does not nowadays go to the room where his jury have retired to arrange a verdict and say: "Gentlemen, I do not wish to hurry you, but I must have this room cleared by one o'clock so the sheriff can hang this man." The "hounds" have been vanquished, and vigilance committees in general have ceased to be a necessity. Fancy has given way to fact, and men have long since settled down to peaceful industries, encouraged by honest gains and gradual prosperity.

The varied constituents forming the mass of human beings who, by incident, precipitated to the gold fields had a large preponderance of well-principled and law-abiding men.

If a crime were committed the perpetrator was apprehended and speedily brought to trial. A

judge or jury was selected on the spot, if a sufficient number were present, and from the verdict rendered there was no appeal. When the offense was not an aggravated one the miscreant was sometimes sentenced to get out of camp never to return. He "got." There prevailed among the miners a friendship and hospitality such as have been seldom met with elsewhere. Men would sit by the evening fire of a neighbor and relate the experiences of the day, and not infrequently allude to their own ingleside in their far away home.

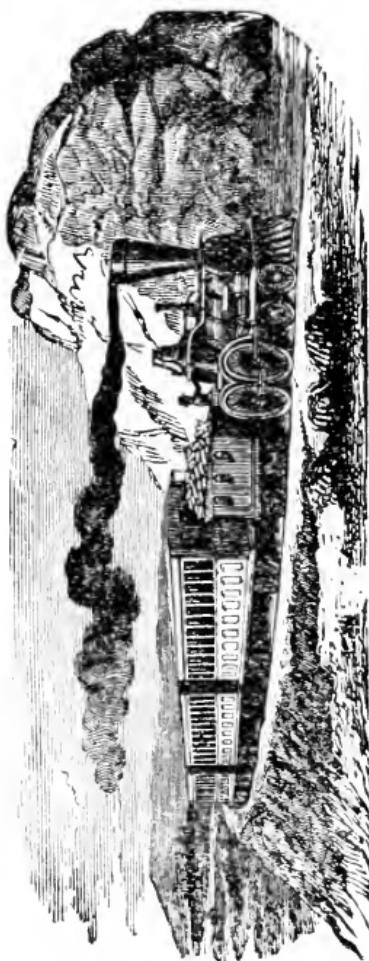
The cabin and its "grub" (victuals) were free, and always at a weary man's disposal. It was customary and strictly allowable for a hungry man, when from home, to call at a cabin for cheer, and, if the proprietor were absent, to enter and help himself to such as he found. If the larder were depleted, he cooked and prepared such a meal as circumstances would allow, ate and passed on.

## FREIGHTING.

When Marshall picked the first gold nugget from the tail-race of Sutter's mill Northern California was almost in a state of nature. There were a few settlements, but they were small and, like angel's visits, far between. A man could ride all day on horseback over as grand a country as the sun has ever warmed or a garden beautified and not see a civilized man.

Before the close of the memorable '49 the territory was ready to come into the Union. Hamlets began to dot the great basins of the San Joaquin and Sacramento rivers, and the fertile valleys were checked with grain fields.

Freighting had grown to colossal proportions, Sacramento being the commercial center. On the first day of September, '49, which was only one year and six months subsequent to the gold discovery, the following vessels were lying at Sacramento: Barques—Joven, Praxatiles, Harriet Newell, Whiton, Eliza, Elvira, Wm. Jay, Isabel, and Croton. Brigs—John Ender, Salito, Jackin, Viola, Sterling, North Star, Charlotte, Emily, Bourne, Almina, Cordelia, and George Emery.



*An Overland Train.*

Schooners—Odd Fellow, Lola, Gazelle, Gen. Lane, Pomona, Anthern, and Catherine.

Through the courtesy of Judge J. H. McKune, an honored member of the Sacramento bar, and a member also of the Society of Pioneers of Sacramento, the author is enabled to give the foregoing list.

Soon after the discovery of the Comstock lode, in Nevada, and before the transcontinental railway was intersected by a road through Carson valley, the carting became immense. Five hundred teams, heavily loaded with quartz mill appliances and all kinds of mining implements and general supplies, left Sacramento daily. As the word "team" conveys to a New England reader but a vague idea of a freight team in California in Sutter's time, it may be well to give a general description of one here. An average team used in freighting early in the fifties consisted of twelve animals; sometimes horses, but more frequently mules. The leaders wore, in an overhanging arch, which was secured to the hames, a collection of bells, most beautiful in appearance and exquisitely chimed. These bells were not used so much for the music they discoursed as they were for their tendency to avert

the difficulties to which the unexpected near approach of other teams might give rise.

The driver rode one of the wheel horses, which was saddled for his convenience, drove with a jerk line, and manipulated the brake by means of a strong leathern strap, one end of which was attached to the brake lever and the other end so secured to the hames of his horse that he could command it at pleasure.

The train was usually made up of the team and two wagons. Wagon No. 2 was attached to the rear of Wagon No. 1 by means of a short pole made for that purpose. Wagon No. 1 had a capacity to carry 20,000 pounds anywhere over a good road. No. 2 had a less capacity. A man standing in one of these wagons found the box to be nearly as high as his head. A rock as large as a goose's egg was granulated under one of these wheels on a bedrock road.

When seen on a light down grade, with one arm reaching ahead at full length in the act of controlling the leaders with the jerk line, and the other extending far to the rear with his hand "froze" to the brake strap, and reeling fore and aft as he issued upon the sunburnt air a volume of anathemas, and with his animals wading and

his wagons rolling through four or five inches of El Dorado's best dust, I repeat, when seen under such circumstances, an observer not accustomed to the spectacle might have thought the driver was a mysterious being, on a mysterious mission to a mysterious place—without reference to his satanic majesty or the infernal regions. After the team was hitched up in the morning it was not fed until the day's work was done.

The boxes in which merchandise was shipped from distant lands to Sacramento were carefully taken to pieces, stocked up and called a lumber yard. This lumber sold at the rate of one hundred dollars per thousand, with nails and knot-holes thrown in.

In freighting to and over the mountains these great teams and ponderous wagons could visit only the way stations and terminal points of the main thoroughfare. The trip was made practical by a system of natural ridges and facilitated by some artificial grading.

To the right and left of the main road were trails leading down the deep cañon side to the camps of placer miners by the stream below. Such camps were not located with a view to convenience. Gold is not like army bacon; it will

not come at your call. Whoever takes it from its bed must go where it lies. For supplying camps thus situated a "miner's brig" (pack animal) is very useful. For this business a mule is unsurpassed, being strong, sure-footed and patient.

A miner once told me when he was mining in the foothills of the Sierras in '49, he hired a horse and pack saddle and went to Sacramento after "grub." He had never stowed a cargo on a "miner's brig," and to make his venture a success he gave an expert a dollar and seventy-five cents to superintend the loading. Not being able to reach home the first day with his supplies, he encamped at night on the trail. Fearing he might not be able to reload in the morning, he left the load on the horse all night and reached home the following day.

A gentleman in Humboldt county owned a large sheep ranch, to which a wagon road had not been constructed. The only means of getting a grand square piano to his house without great expense was by packing it on mules, which he did.

## BULL FIGHTS.

In 1850 an amphitheater, with an arena one hundred feet in diameter, was built in Sacramento for the purpose of entertaining spectators with gladiatorial contests. A man sometimes entered the arena to contend with a Spanish bull; but, as on Wall street, in New York city, the principal contests were between the "bulls and the bears." A donkey sometimes put in an appearance to have his mettle tested. This brute, notwithstanding his seeming stupidity, fights a desperate battle, being able to match the bear in an even contest. One donkey of medium size entered this arena on several occasions to measure prowess with a bear. He came off victorious every time, leaving his antagonist dead upon the field.

The manager of those entertainments kept mounted vaqueros in attendance to save the life of a vanquished foe, and to avert any calamity to which an accident or unexpected occurrence might tend.

A Spanish bull being championed against a bear once entered the arena to dispute the bear's title to the championship, when a portion of the

wall between the pit and the arena gave way, exposing the audience to the mercy of the infuriated animals.

Within an interval of ten seconds from this occurrence three vaqueros formed a triangle in the arena, and with their lariats had the bull pinioned in the center. But these barbarous exhibitions, which, like cock-fights, under Spanish rule, were looked upon as a high order of entertainment, early waned under the influx of Americans.

There was a rough-and-ready air about the forty-niners and other early immigrants in California, and society at that time did not always display the refinement common to a New England drawing room, but there was at all times a strong undercurrent of grand and noble manhood, and a golden cord—a silken string permeated the breast that was inclosed in a rough exterior, and from this string tones of sympathy were easily swept. When an unfortunate and hungry stranger entered a camp some one would accost him thusly: “G—— d—— it, come in and stuff your shirt. How much money do ye want?” How about the society with which I have contrasted

this? God bless you, brother; I wish it were in my power to assist you.

But I must finish the bull fight. This enterprise was a failure financially in Sacramento. After experimenting about eighteen months the edifice was sold under an execution issued in favor of Mr. Drew, the mechanic who built it, and was bid off and torn down by him, piled on the ground where it stood, was washed away by a flood, carried to the foot of L street, where it was fished from the flood by Mr. Drew, who sold it as second-hand lumber for the low price of seventy-five dollars per thousand feet.

#### GENERAL SUTTER'S LOSSES.

Omitting many of the lesser wrongs Sutter sustained, I shall endeavor to notice with much brevity some of the greater calamities which shadowed the pathway of his declining years.

Some State in the Union, Missouri, I believe, had the good fortune to vomit five free-booters, who landed in California and domiciled near Marysville in the winter of '49-'50, and who, armed with rifles and equipped with a good boat, some helpers and a butcher's outfit, carried on an

extensive business in the slaughtering of animals and the selling of meats, their principal market being Sacramento city. In the spring they had a net dividend of \$60,000, and every animal slaughtered was the property of General Sutter.

While this work was going on the Sheriff and his posse went to arrest the offenders; but as their rendezvous was on an island, and they were desperate men and all well armed, the officer, believing that to encounter them would be fatal to him or some of his men, with little promise of success, very prudently withdrew from the field and abandoned the undertaking.

One hundred horses and two thousand dollars' worth of swine were stolen from him during the same winter. The horses were driven to Oregon and the swine slaughtered and sold in the market.

Lawless and unprincipled men made appropriations of his property as if by civil and divine right.

This brings us to the discussion of the Sutter land case, which is so little understood by the public generally, and which terminated in the financial ruin of the great pioneer. Only a few

of the prominent features of the case can be presented here.

In harmony with the Mexican government, the provincial governors granted, from time to time, large tracts of land to such foreigners as might desire them, and who, in turn, as a consideration, agreed to naturalize to the Mexican government and settle upon the land so granted and improve it, which was all the land was worth in the unoccupied districts where it could be so obtained.

The soil was excellent and the climate desirable, but these grants at the time Sutter reached California must be obtained to lands remote from commercial points and in sections of the country that were infested by warlike, thieving and treacherous tribes of Indians. These lands were not measured by the acre, but by the square league, about ten of them being an average grant. Nor were the boundaries as well established as they are where more importance attaches to the ownership of the land.

But the discovery of gold at Coloma and the pouring in of an interminable stream of immigrants immediately changed the valuation of land in California from nominal to real and intrinsic.

Large and numerous were the tracts claimed under color of Mexican grants.

In 1851 congress created a board of commissioners, whose duty it was to inquire into the validity of the grants in New Mexico and California and to adjust disputed claims.

If a grant was conferred by Mexico prior to the treaty of Guadaloupe Hidalgo, and such grant was in keeping with the laws of that government, such title should be respected by the United States thereafter. Puffendorf, lib. 8, ch. 6.—“The conqueror acquires over those whom he subdues a despotic power with respect to their lives, but not with respect to their possessions.”

Vattel.—“The conqueror lays hands upon the possessions of the state, on what belongs to the public, while private persons are permitted to retain theirs. To them the result is, they only change masters.”

United States Supreme Court.—“It is a principle of the common law, which has been recognized as well in this as in other courts, that the division of an empire works no forfeiture of previously vested rights of property, and this maxim is generally consonant with the common

sense of mankind, and the maxims of eternal justice."—(5 Wharton—Chief Justice Marshall).

If a grant were issued by Mexico and the record shows such transaction to be according to the law governing such cases, it is a question whether any tribunal on earth could annul that contract so long as the parties to it complied with its stipulations.

But the difficulties involved in these land cases were not confined to questions respecting the legality of original grants. Some of the claimants held possession as the last grantor in a claim of successors. Cases of this kind evidently extended the chances for fraud and multiplied the difficulties of adjudication. Whether the claimants were more corrupt than the commissioners the public is left to determine.

The board of commissioners constituted a court of inquiry, with full power to summon whomsoever it would and the power to enforce attendance. To this august body claims were presented for adjudication; the business being transacted in a language of which many of the claimants knew not the first rudiments, an interpreter was employed. They (the claimants),

naturally enough, conceived the idea that the field was open to bribery and swindle.

The commissioners are unknown to me. It is but little venture to assume that they were men with men's frailties. Claimants who had all confidence in the validity of their claim under Mexican rule entertained doubt as to the issue under the changed condition.

When Louisiana was purchased by the United States portions of her land had been granted to private individuals in a manner very similar to the granting of these lands under consideration; and commissioners were appointed to inquire into said grants. Some of those claims, to the disgrace of our government, were in litigation more than forty years, and until the honest claimant had slumbered for years in the grave. The California claimants anticipated similar results from an effort of investigation. They felt that they were a conquered people, and must go before a board created by their conquerors who, in a tongue unknown to them, would investigate at convenience and report at leisure.

These conclusions were not the work of imagination. The light of the past shines over the present. Some of these land cases ran through

ten or twelve years at an expense of \$150,000 and upwards, and taking from the owner in the end the accumulations of a lifetime.

Sutter's grants were among the claims whose validity was questioned, and consequently were presented, in 1852, to the board of commissioners for adjustment. By this time the pretended settlers had preëmpted all of his available land, and destroyed nearly all of his personal property. The commissioners found his land grants to be perfect; not a flaw nor a defect was found in either of them, and the board confirmed them under the provisions of the treaty of Guadalupe Hidalgo. The squatters then appealed to the United States District Court for the northern district of California, when the decision of the commissioners was confirmed. The counsel for the squatters' interest then appealed both cases to the Supreme Court of the United States, at Washington. This court, in 1864, confirmed the eleven league grant, and decided the twenty-two league grant in favor of the squatters.

Whether this decision harmonizes with the maxims of eternal justice is debatable ground. If the instrument executed by Governor Michel托rena, established in Sutter an ownership of twenty-

two leagues of land beyond the reach of revocation under the laws of Mexico, for the United States to destroy that right, or rather disregard it, for only the decree of God could destroy it, would be a violation of her treaty, a violation of the law of nations, and a violation of natural law.

The Supreme Court, in its decision, claims that the difficulties in which the Sutter cases were involved were increased by the presence of settlers on his grants. There should have been no such findings in the case. The trial was brought, and proceedings had, to determine whether Sutter's claim was valid or not. The presence of settlers, except such as acquired a right under Sutter to settle upon the land, should not and could not by any means have vitiated his vested rights.

They were not parties to the negotiation that vested the title in Sutter, and were not known, and should not have been known to the proceedings. The land was Sutter's or it was not, and whether it was his or not could not have been a question growing out of any relation the squatters sustained to the premises. To define more clearly my position, I will say if the grant of twenty-two square leagues of land by the Mexican

government, through its provincial governor, Micheltorena, was an act performed in harmony with the laws of Mexico, and all the conditions and requirements set forth in the instrument conveying said land, had been duly performed and complied with by the parties thereto, no squatter could have held a claim on the land under color of title not acquired from Sutter or founded in easement.

But the Supreme Court questioned Micheltorena's authority to issue the twenty-two league grant. There appears to have been an insurrection in California, in which the insurgents succeeded in driving the governor from the capital. It was while he was thus away from the capital that the grant in question was issued, and he never resumed his function as governor of California thereafter.

This was the strongest point scored by the United States as against Sutter. This finding, however, was technical and at war with the principles of justice and equity. If Mexico accepted the transactions of Micheltorena as valid up to and including the date of the grant, and it appears that she did, I fail to discover where, under the

treaty of Guadalupe Hidalgo, the United States derived authority to set the transaction aside.

At the trial the fact was put in evidence that when Sutter asked for the grant of twenty-two leagues Governor Micheltorena sent his request on to Mexico, and that government, in reply, instructed him to issue the grant as solicited.

For want of space I shall pursue this topic no further. Besides, any treatise that savors of written law is poor literary fodder for the average reader.

The Sutter land case, as before stated, was presented to the board of commissioners for adjudication in 1852 and the final decision was rendered in 1864, thus running through a term of twelve years, at an expense, including witness fees, mileage and fees for eminent counsel, of one hundred and seventy-five thousand dollars.

The printed evidence in this case alone will fill a thousand 16-mo. pages.

Sutter had conveyed away more land than he owned, according to the land decision, and it cost him more than one hundred thousand dollars to make his covenants good. This completed his financial ruin.

He was still in the quiet and peaceful possession of the large and desirable Hock estate on the Rio de los Plumas (Feather river), which he had selected and set apart for a home in his old age; especially designing to appropriate it to the use of his family, who had joined him after an absence of eighteen years.

This house and his most valuable records of travels, adventures and pioneer life, were destroyed by fire.

Being despoiled of his estates once so princely, and his flocks once so extensive, and becoming financially involved in his land suits, his credit became impaired and his trouble and embarrassment increased until he finally, as the sad act of his life, mortgaged away his Hock farm.

The reader's attention is directed to the fact that Roger B. Taney, of Dred Scott fame, was on the bench when the Sutter land case came before the Supreme Court of the United States, and that any decision would not have been a surprise.

The bold explorer, the brave and humane general and the generous pioneer was stripped of his possessions in his old age with nowhere to lay his head.

He was very popular with the pioneers, some of whom praised him but to decoy—dealt with him but to plunder.

This sad event in a useful, noble and grand life, will awaken emotions of regret and sorrow till kind and generous sentiments are lost to the hearts of the fair and the brave.

He died at Litiz, Lancaster county, Pennsylvania, on the 17th day of June, in the year 1880. In stature General Sutter was about five feet and nine inches, and well proportioned.

He was a man of noble bearing, a large heart and singleness of purpose.

#### PRIVATE APARTMENTS.

Sutter was very sociable with those about him, and yet the dignity of his bearing commanded their respect. He had a private kitchen to which none had access except himself and his private cook. This kitchen was ever found tidy, and such dishes as found their way to his table were seasonably prepared and always consonant to his wishes. Delmonico's table in New York city undoubtedly surpassed his in the glitter of table-ware and in the diversity of dishes.

Trout from mountain brooks, grouse, mountain and valley quail, tenderloin of the antelope and haunches of venison were among the comforts of his table. He usually ate alone, except when extending his hospitality to distinguished visitors. This was natural enough. His employés did not resemble a French coterie at the salon of Madam de Staél. Some of his trappers, who rarely performed ablution, and never collided with a new shirt except to remain telescoped till the garment lost its identity, were not always as sweet as the rose of Allendale. We can scarcely wonder that Sutter barred them from the sanctity of his table although many of them actually out "ranked" him.

He had, likewise, a private bed-room which was comfortably furnished and well upholstered. Although for a while in New Helvetia, he lived in a state of social isolation, he did not take on the conditions of a squalid recluse, but lived like the gentleman he was.

He had a private room, also, for his body guard. This guard at first was composed of the Kanakas presented him by the king of the Sandwich Islands; but subsequently, of stalwart

Indians who had learned to speak Spanish and dip their finger tips in holy water at the mission in San José. These men were duly instructed in the duties of a body guard and that such duties must be performed without failure or delay.

The language of the California Indians was sterile and suited to the discussion of but few subjects. In his primitive condition, that is, before he associated with christianized races, he had to forego even the luxury of profanity.

#### SUTTER RELIEF FUND.

At the convening of the California legislature in 1864 Hon. J. P. Buckley introduced a bill in the senate providing for the relief of General John A. Sutter. The bill became a law, having immediate effect, and provided for the appropriation of \$15,000 out of any money in the treasury of the State not otherwise appropriated, and to be drawn in monthly installments of \$250 each for five years, for the benefit of Sutter and his heirs; and in the event of his death, his heirs were to receive the same monthly installment until such appropriation be exhausted.

In the winter of 1869-70 Hon. W. E. Eichelroth introduced a bill in the assembly providing further relief for Sutter. This bill, providing an appropriation of \$250 per month for two years, also passed and became a law.

In the winter of 1872 a similar bill was introduced in the senate by Hon. J. A. Duffy; and another in the assembly by Hon. B. C. Northup, in 1874, both of which were passed and approved and went into immediate effect.

It is with peculiar pleasure that the names of the honorable gentlemen who distinguished themselves by coming to the relief of this kind and good man are recorded here.

He had been despoiled of possessions that would have classed him at that time with Astor and Vanderbilt. He had founded on the Pacific shore an extensive settlement of brave, good and useful men, and had aided materially in bringing California under American rule. He had extended to American immigrants the protection of a sovereign, the blessings of his wealth, and the treasure of his fidelity.

Forever honored be the legislatures that so far reciprocated his princely benefactions. Nor

should the great State of California cease her demonstrations of gratitude till the statue of him whose name will be associated long with her history adorns the rotunda of her capitol and his ashes are laid to rest in the shade of the New Helvetia he loved, where the unmeasured strains of the beautiful river, as it flows on, may mingle with his benedictions forever.









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